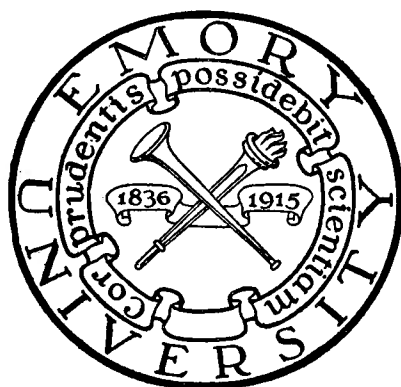


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**JOURNAL OF THE SENATE**

**OF THE**

**STATE OF GEORGIA**

**AT THE**

**ANNUAL SESSION**

**OF THE**

**GENERAL ASSEMBLY.**



# JOURNAL OF THE SENATE

## OF THE

### STATE OF GEORGIA.

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MONDAY, DEC. 4TH, 1865.

At a session of the General Assembly, of the State of Georgia, begun and holden at the State House, in the city of Milledgeville, in the county of Baldwin, on the 4th day of December, in the year of our Lord, eighteen hundred and sixty-five, Lewis H. Keenan, Esq., Secretary of the preceding Senate, took the Chair for the purpose of organization, and proceeded to call the roll, and the following Senators elect from the several Districts hereafter named, produced their credentials and having taken the oath prescribed by the Constitution of this State, and to support the Constitution of the United States of America, before the Honorable Dawson A. Walker, one of the Judges of the Superior Courts of this State, took their seats, to wit:

From the first Senatorial District, the Hon. George S. Owens.

From the second Senatorial District, the Hon. A. W. Daley.

From the third Senatorial District, the Hon. S. Overstreet.

From the sixth Senatorial District, the Hon. O. L. Smith.

From the seventh Senatorial District, the Hon. B. B. Moore.

From the ninth Senatorial District, the Hon. James Dickey.

From the tenth Senatorial District, the Hon. P. J. Strozier.

From the fourteenth Senatorial District, the Hon. S. D. Fuller.

From the fifteenth Senatorial District, the Hon. T. L. Wilcox.



From the sixteenth Senatorial District, the Hon. Lott Barwick.

From the eighteenth Senatorial District, the Hon. Wm. Gibson.

From the nineteenth Senatorial District, the Hon. F. P. Brown.

From the twentieth Senatorial District, the Hon. L. H. Kenan.

From the twenty-first Senatorial District, the Hon. E. S. Griffin.

From the twenty-third Senatorial District, the Hon. T. J. Simmons.

From the twenty-fifth Senatorial District, the Hon. A. W. Redding.

From the twenty-sixth Senatorial District, the Hon. T. M. Carter.

From the twenty-seventh Senatorial District, the Hon. J. A. Crawford.

From the twenty-eighth Senatorial District, the Hon. D. E. Butler.

From the twenty-ninth Senatorial District, the Hon. H. R. Casey.

From the thirtieth Senatorial District, the Hon. J. S. Gholston.

From the thirty-first Senatorial District, the Hon. J. M. Freeman.

From the thirty-second Senatorial District, the Hon. J. R. Russell.

From the thirty-third Senatorial District, the Hon. W. R. Bell.

From the thirty-fourth Senatorial District, the Hon. F. E. Manson.

From the thirty-fifth Senatorial District, the Hon. J. F. Johnson.

From the thirty-sixth Senatorial District, the Hon. W. A. Turner.

From the thirty-seventh Senatorial District, the Hon. J. B. McDaniel.

From the thirty-eighth Senatorial District, the Hon. S. L. Strickland.

From the thirty-ninth Senatorial District, the Hon. J. T. Ezzard.

From the fortieth Senatorial District, the Hon. John England.

From the forty-first Senatorial District, the Hon. B. B. Quillian.

From the forty-second Senatorial District, the Hon. C. H. Smith.

From the forty-third Senatorial District, the Hon. J. A. W. Johnson.

From the forty-fourth Senatorial District, the Hon. R. M. Paris.

On motion, the Senate proceeded to the election of a President, and on taking the vote *viva voce*, it appeared that the Hon. William Gibson, of the eighteenth Senatorial District, was duly elected.

Those voting for Mr. Gibson. are: Messrs. Barwick, Brown, Carter, Casey, Crawford, Daley, England, Ezzard, Freeman, Fuller, Gholston, Griffin, J. F. Johnson, Manson, Moore, Overstreet, Owens, Simmons, Turner, and Wilcox.

Those voting for Mr. Moore, are: Messrs. W. R. Bell, Butler, Dickey, Gibson, J. A. W. Johnson, Kenan, McDaniel, Paris, Quillian, Redding, Russell, C. H. Smith, O. L. Smith, Strickland and Strozier.

On motion of Mr. Moore, a committee consisting of Messrs. Moore, Redding and Carter, was appointed to notify Mr. Gibson of his election and to conduct him to the Chair.

The President elect on taking the Chair, addressed the Senate, and returned his acknowledgements for the honor conferred upon him.

On motion, the Senate proceeded to the election of a Secretary, when on receiving and counting out the ballots, it appeared that John B. Weems, Esq., of the County of Wilkes, was duly elected.

The Secretary elect and the Assistant Secretary, Fletcher T. Snead, Esq., of the County of Macon, were duly sworn by the President of the Senate.

On motion, the Senate proceeded to the election of a Messenger, pending which, on motion of Mr. Redding, the order was suspended, and the following named Senators presented their credentials, were qualified and took their seats, to wit:

From the eleventh Senatorial District, the Hon. O. P. Beall.

From the twelfth Senatorial District, the Hon. Willard Boynton.

From the thirteenth Senatorial District, the Hon. W. A. Black.

From the twenty-fourth Senatorial District, the Hon. B. A. Thornton.

The regular order being resumed, on receiving and counting out the ballots, it appeared that A. J. Cameron, of the county of Telfair, was duly elected.

On motion, the Senate proceeded to the election of a

Door-Keeper, when on receiving and counting out the ballots, it appeared that G. W. Anderson, of the county of Fulton, was duly elected.

On motion of Mr. J. F. Johnson, the Secretary was directed to inform the House of Representatives that the Senate was organized, having elected the Hon. William Gibson, Senator elect from the 18th District, as their President, and John B. Weems, Esq., of the county of Wilkes, as their Secretary, and are now ready to proceed to business.

Mr. Moore offered the following resolution, to wit:

*Resolved*, That the rules of the last Senate be adopted for the government of the Senate, and that — copies be printed for the use of the members.

On motion of Mr. Moore, the rules were suspended and the resolution was taken up and read.

Mr. Moore moved to fill the blank with one hundred, which was adopted.

The resolution as amended was agreed to.

On motion of Mr. Butler the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Strozier offered the following resolution:

*“Resolved*, That the President appoint a committee of three to join such committee as may be appointed on the part of the House of Representatives, to wait upon His Excellency, the Provisional Governor, and to inform him that both branches of the General Assembly have organized, and are ready to receive any communication he may desire to make.”

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk:

*Mr. President*:—I am directed by the House of Representatives to inform the Senate that the House has been organized, by the election of the Hon. Thos. Hardeman, of the county of Bibb, as Speaker, and J. D. Waddell, of the county of Polk, as Clerk, and is now prepared to proceed to business.

The following named Senator presented his credentials, was qualified and took his seat:

From the eighth Senatorial District, the Hon. Isaac E. Bower.

On motion the Senators proceeded to draw and choose their seats.

Mr. Daley offered the following resolution :

*Resolved*, That the Reporters of the different newspapers be invited to seats upon the floor.

On motion, the rules were suspended, and the resolution was taken up, read and agreed to.

On motion of Mr. Strozier, the rules were suspended, and the Senate took up the resolution to appoint a committee to wait upon His Excellency, the Provisional Governor, and to inform him that the General Assembly was organized and ready to receive any communication that he may desire to make.

Mr. O. L. Smith offered the following as a substitute:

*“ Resolved*, By the Senate and House of Representatives of the State of Georgia, in General Assembly met; that a committee of two Senators and three Representatives, be appointed, whose duty it shall be to wait upon His Excellency, the Provisional Governor, to inform him that each branch of the General Assembly is now organized, and to request that he transmit to them, all returns in his office, of the recent election for Governor.

And further, that said committee request His Excellency to communicate to the General Assembly, any information in his possession, which, in his judgment, may be useful to them, touching the present relations of the State of Georgia to the Government of the United States; and especially, that he inform them whether any, and what impediment now exists to the complete organization of the State government, under the Constitution recently adopted.”

The substitute was adopted, and the resolution as amended was agreed to; and on motion, the Secretary was directed to transmit the same forthwith to the House of Representatives.

The committee appointed under the foregoing resolution consists of Messrs. Strozier and O. L. Smith.

Mr. Brown offered the following resolution, when, upon motion, the rules were suspended, the resolution taken up, read and agreed to :

*“ Resolved*, That the morning sessions be opened by prayer, and that a committee of three be appointed by the Chair to wait on the Reverend Clergy of the city, and to request them to officiate.”

The Chair appointed as said committee, Messrs. Brown Quillian and Manson.

On motion of Mr. Butler, one hundred copies of the Constitution of the State of Georgia, and of the Ordinances of the late Convention, were ordered to be printed for the use of the Senate.

The Chair announced the following Committee on Enrollment, to wit:

Messrs. O. L. Smith, Fuller, Brown, Carter, and G. H. Smith.

On motion the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, DEC. 5TH, 1865. }  
10 o'clock, A. M. }

The Senate met pursuant to adjournment, and was opened by prayer from the Rev. Mr. Brooks.

The Doorkeeper, Messenger, and the following Clerks, to-wit: Messrs. T. D. Wright, S. S. Fears, T. F. Wells, S. H. Baker, H. K. Washburn, and W. T. McArthur, came forward and were duly sworn.

The following message was received from the House of Representatives by Mr. Waddell, their clerk, to-wit:

*Mr. President*:—I am directed by the House of Representatives to communicate to the Senate the following Resolution:

*Resolved*, That a committee be appointed to join such a committee as may be appointed by the Senate, to wait upon his Excellency the Provisional Governor, and inform him that both branches of the General Assembly are now organized, and will be pleased to receive any communication he may think proper to make.

On motion the rules were suspended and the Resolution was taken up.

Mr. O. L. Smith moved to amend by striking out all after the word "organized" and insert "and ready to proceed to business," which was lost.

Mr. Strozier moved that the committee consist of three, which was disagreed to.

Mr. Thornton moved that the committee consist of two, which was agreed to.

The Resolution as amended was agreed to.

The committee appointed consists of Messrs. Strozier and O. L. Smith.

On motion of Mr. Daly, the rules were suspended, and the resolution was ordered to be transmitted forthwith to the House of Representatives.

Mr. Overstreet offered the following Resolution, to-wit :

*Resolved*, That seats on this floor be tendered to the Hon. Alex. H. Stephens, Hon. L. J. Gartrell, Hon. Hiram Warner, Ex. Gov. Joseph E. Brown, and the Judges of the Supreme and Superior Courts, during their stay in Milledgeville.

On motion, the rules were suspended and the resolution was taken up, read, and agreed to.

Mr. Kenan offered the following Resolution :

*Resolved*, That the Secretary of the Senate be authorized to furnish a sufficiency of bagging, to be used as carpeting for the floor of the Senate.

On motion, the rules were suspended, and the resolution was taken up, read, and agreed to.

Mr. McDaniel reported the following Resolution :

*Whereas*, The Congress of the United States has, under the 5th article of the Constitution of the United States, proposed an amendment of said Constitution in the words following, to-wit : "Neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction :

Sec. 2nd, Congress shall have power to enforce this article by proper legislation ; which amendment was approved on the 1st February, 1865.

*Therefore, be it Resolved, by the Senate and House of Representatives, in General Assembly met*, That the said amendment to the Constitution of the United States be, and the same is hereby, ratified and adopted.

*Be it further Resolved*, That in ratifying the amendment to the Constitution of the United States, we do so, believing that the Congress of the United States has the power only to make permanent the emancipation of slaves, and that all rights of citizenship can be conferred only by the States respectively, and such we understand and believe to have been the object contemplated in the second section of said amendment, and that nothing therein contained authorizes Congress to interfere with the internal affairs of the State.

Mr. McDaniel moved to suspend the rule to take up said resolution, which was lost.

On motion the rules were suspended and Mr. J. A. Johnson introduced a bill for the relief of H. J. Sprayberry, of the county of Fulton, which was read the first time.

The Committee appointed to wait upon his Excellency



the Provisional Governor, reported that a communication would be transmitted to the Senate in a few minutes.

Mr. Redding offered the following Resolution :

*Resolved*, That the 21st rule of the Senate shall be so altered as to allow the President to appoint an additional standing committee to those enumerated in said rule, which shall be called "the committee on Freedmen."

On motion of Mr. Thornton the rules were suspended, the resolution was taken up, read, and agreed to, two-thirds of the Senate concurring therein.

The following message was received from his Excellency James Johnson, Provisional Governor of Georgia, by L. H. Briscoe, his Secretary, to-wit :

*Mr. President* :—I am directed by the Governor, to deliver to the Senate a communication in writing, with accompanying documents.

On motion the same was taken up.

The communication was then read, as follows :

## MESSAGE.

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*Gentlemen of the Senate, and*

*House of Representatives :*

Since you last assembled great changes have taken place in our social and political condition, and upon you it is imposed the delicate and arduous task of adapting our laws and their administration to the wants and demands of society. To effect this purpose successfully, it will be readily suggested to you, that it will not only be necessary that many of the existing statutes be repealed or modified, but that also many new provisions, defining crimes and regulating the administration of law, be introduced and adopted. In a communication of this character, a specification of the proper alterations and amendments could not be expected. In this connection, I will, however, remark, that, from my experience at the bar, I do not hesitate to affirm, that one of the most serious evils which has heretofore characterized the administration of civil and criminal justice, has been the delay attending the trial of causes in the Circuit Courts. Hesitating plaintiffs and reluctant defendants, whether debtors or criminals, resort to stratagem and demand continuances as a matter of right, which are usually allowed, or at least often allowed, upon a slight

and trivial showing. The trial should be fair and impartial; but, in human governments, judgment against an evil deed should be speedily executed, that "the hearts of the children of men should not be set in them to do evil." The trial is had for the purpose of ascertaining the truth; and the testimony of witnesses, though uncertain, fallible, and often false, is the best and only means given to us, to arrive at it; and it will be borne in mind, that the tendency of the age in all civilized governments is, not to limit arbitrarily the range of examination, but to enlarge it; not to increase the class of persons made incompetent to testify by the rules of the common law, but to allow even parties to the cause to be heard; to submit the character and the credibility of the witnesses to the judgment and discretion of an enlightened Court and jury, to be by them, under the rules and sanctions of law, considered and adjudged. The visitation of punishment on offenders should not only be speedy and certain, but it should be proportioned to the nature and character of the offence. It should be sufficiently severe to deter persons from its repetition, and of a nature to reform, if possible, the offender himself. Cruel and unusual punishments are condemned by our fundamental law; and refinement and civilization require that the human body should be neither marked or mutilated. Such penalties for crime should be prescribed and inflicted as will meet the approbation of the merciful and humane; such as will not, by their severity and barbarity, cause enlightened juries to shrink from the duty of prompt conviction on testimony excluding reasonable doubt. Our financial condition and our deranged social relations require a new code. One which shall have incorporated in it the principles and maxims alluded to. Solitary confinement in the Penitentiary is to be succeeded by penalties more adequate to the suppression of crime, and more effectual in protecting society from danger.

I trust that in a few days I shall be able to lay before you a report from the Superintendent of the Western & Atlantic Rail Road, showing the receipts and disbursements from the period it was turned over to the State to the present time; showing also the progress made in the construction of the bridges, and all other material details therewith connected, of general interest. The operations for the period of time stated, under the management and control of the Superintendent and subordinates will, it is believed, be highly satisfactory, and will recommend the industry and fidelity of the officers to a general and unqualified approval. Appropriate qualifications for the successful management of a road transacting so large and so extensive a business, and the requisite capacity and attainment proper for the acceptable discharge of the functions of the executive

office can seldom be found united in the person of one individual. Moreover, the ordinary duties pertaining to each position, are sufficiently numerous and onerous to require the undivided time and attention of any man to whose charge such a trust may be committed. For these reasons, and for a variety of others that will be readily suggested, I recommend that the control of the road be taken out of the hands of the Executive and be placed under the direction and management of a Commissioner, whose duties shall be prescribed by law; that he shall be elected by the people of the State, as is the Governor; that he shall report directly to the Legislature, and shall be by them subject to removal for malfeasance in office.

Under the wasting and demoralizing influence of war our schools and Colleges have fallen into decay, and our youth for a few years past, have been called and transferred from the Academy to be exercised and trained in the Camp. But peace has returned, and with its return the late Convention, not unmindful of the obligations Government is under to provide for the education of the people, did ordain that the University of the State should be adequately endowed. In carrying this injunction liberally and generously into practice and operation, you will only follow the precepts and example of the enlightened and patriotic fathers of the Republic. To the prompt discharge of this important duty, interest, honor and patriotism all unite to invite you. Located in a healthy region, surrounded by a virtuous and industrious population, and the citizens of the town and immediate vicinity devoted to science and learning, the University of Georgia can and ought to be made more than ever the cherished object of the affections of her people.

The appropriations and donations which have heretofore been made, though mostly lost or consumed, have not been vain and fruitless expenditures. The bar, the bench and the pulpit have shared in the rewards of such liberality. Science and learning, through the agency of endowed professorships can and will accomplish new and greater triumphs, and through your fostering care secure to you, their patrons, a place in history as the benefactors of our race.

Discussion and experiment suggested that the Supreme Court should hold its sessions at the Capital. The suggestion was adopted and carried into execution by the Convention. To complete the work of good policy thus tardily begun, it is proper and expedient that the Capitol itself should be here declared and considered permanently located. Here it occupies a central and accessible position in the midst of a section once fertile and passing beautiful. Man impelled by avarice and prodigality has partially destroyed and wasted

the lavish gifts of nature, but through industry and a new social economy these desolations may be repaired.

The public grounds should be enlarged, improved and ornamented, the Halls of Legislation ought to impress the spectator with the power of the State, and her courts of justice with the majesty of the law. Annually, improvement should be added to improvement and ornament to ornament, until the name of the Capitol shall become a praise to the whole people.

On the first of February last the Congress of the United States, by joint resolution, proposed to the Legislatures of the several States of the Union, an amendment to the Constitution of the United States, declaring that, hereafter, neither slavery nor involuntary servitude, except for crime, should exist in the United States, or in any place subject to their jurisdiction; and that Congress should have power to enforce the proposed article by appropriate legislation. A copy of the proposed amendment is attached, and it is submitted to the consideration of the Legislature with the hope & desire that it may be adopted and ratified. A very common objection is made to it on the ground that it may confer, by implication, on Congress, the power of regulating, generally, the internal policy of the State. Such a construction is believed to be erroneous and unfounded and unwarranted, either by the language employed, or the objects sought to be attained.

The Constitution of the United States confers, among other things, upon Congress, the power to regulate commerce with foreign nations and among the States, to declare war, to raise and support armies, and to provide for calling forth the militia. It is further provided, that Congress shall have power to make all laws which shall be necessary and proper to carry into execution these enumerated powers; but it has never been contended that because of such authority, Congress was thereby invested with the right to abolish State Courts, to prescribe the qualifications of jurors, or to declare who should exercise the right of suffrage. Moreover, this amendment is strictly cumulative, and it is not intended by it, either to repeal or modify any of the existing provisions of the Constitution; and, therefore, it will still be for the several States to prescribe, each for itself, who shall be electors for the most numerous branch of their assemblies; and, as a consequence, who shall be qualified electors for members of Congress.

The Congress passing it, the different Departments of the Government, and most of the Legislatures of the several States ratifying it, construe the amendment to be nothing more nor less than a declaration against involuntary servitude, conferring therewith on Congress the restricted

power to carry such declaration into execution by necessary and proper laws. Such is the natural import of the language employed, and such doubtless will be the construction given it by the different Departments of the Government in all controversies that may hereafter arise. Under other circumstances, a proposition to ratify such an amendment would not be entertained by you. Although the "cannon's roar and the trumpet's clangor are no longer heard," society still moves on in its resistless way, and it is necessary that we should accommodate our action to the inexorable demands of inevitable results, that the permanent welfare of our people may be secured, and our State restored to her former political rights and relations.

Georgia has, in good faith, abolished slavery. She could not revive it if she would; and the ratification of this amendment will make the people of the United States homogeneous—will remove from among us that cause of bitterness and sectional strife which has wasted our property and deluged our land in blood. Furthermore, by yielding to this requirement readily, we shall submit a most effectual argument, tending to open the Halls of the National Legislature, and the strongest plea that could be addressed to the clemency and magnanimity of the Government.

Pardon in me a personal allusion. In my official acts I have endeavored to avoid proscription, on account of former differences of opinion, and have sought to relieve the people from pains, penalties and forfeitures legally imposed, on condition that they be reconciled to the Government.

In turn, let me entreat you to bring forward your prejudices and animosities and offer them a sacrifice upon the altar of our common country, that we may once again present to mankind the spectacle—the pleasant, happy spectacle, of "brethren dwelling together in unity."

J. JOHNSON,

*Provisional Governor of Georgia.*

A Resolution submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States:

*Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both Houses concurring,) That the following Article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of said Constitution, namely:*

#### ARTICLE XIII.

SEC. 1. Neither slavery nor involuntary servitude, except

as a punishment for crime, whereof the party shall be duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation.

Approved, February 1st, 1865.

On motion of Mr. Kenan, 150 copies of the message and accompanying documents were ordered to be printed for the use of the Senate.

The following Message was received from his Excellency James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit :

*Mr. President* :—I am directed by the Provisional Governor, to deliver to the Senate a number of sealed packages, directed to the President of the Senate and Speaker of the House of Representatives, supposed to contain the election returns for Governor of this State.

On motion a committee of three, consisting of Messrs. Moore, Redding, and Thornton, were appointed to transmit the same to the House of Representatives.

On motion of Mr. Moore, the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Strozier offered the following Resolution :

*Resolved*, That so much of the Governor's Message as refers to the currency, be referred to the committee on Finance, and that portion of it that relates to the relations with the Federal Government, be referred to the committee on the state of the Republic, and that so much as relates to the freedmen, be referred to the committee on Freedmen, and so much thereof as relates to the Judiciary be referred to the committee on the Judiciary, and so much as relates to education to the committee on Public Education and Free Schools.

On motion the rules were suspended, the resolution was taken up, read and agreed to.

Mr. Kenan reported the following Resolution :

*Resolved*, That so much of the Governor's Message as relates to the improvement of the public grounds, and the necessary repairs of the public buildings, be referred to a joint committee of both branches of the General Assembly,



with directions to report upon the same at as early a day as practicable.

The rules were suspended and the resolution was taken up, read, agreed to.

The committee appointed under the above resolution consists of Messrs. Kenan and Griffin.

The following message was received from the House of Representatives by Mr. Waddell, their Clerk.

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that they are now ready to receive them in their Hall, to proceed to the counting of the vote polled at the recent election for Governor.

On motion of Mr. Moore the Senate repaired to the Representative Hall.

The General Assembly then proceeded to count out and add up the returns of the several counties of the State, upon which it appeared that the Hon. Charles J. Jenkins was duly elected Governor of Georgia for the next ensuing term, and was so declared by the presiding officer.

On motion the President and members of the Senate returned to their chamber.

Mr. Moore offered the following Resolution :

*Resolved*, That a committee of three from the Senate be appointed to meet such committee from the House as they may appoint, to wait on the Hon. Charles J. Jenkins, and inform him of his election as Governor of the State of Georgia, at an election held on the 15th November, 1865, request his acceptance, and to know when it will be his pleasure to be inaugurated.

On motion the rules were suspended and the resolution was taken up, read, and agreed to, and on motion the same was ordered to be transmitted forthwith to the House of Representatives.

The committee appointed under this resolution consists of Messrs. Moore, Freeman, and Casey.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have agreed to the following Resolution, and I am directed to transmit the same forthwith to the Senate :

*Whereas*, The Congress of the United States has, under the fifth article of the Constitution of the United States, proposed an amendment of said Constitution, in the words following, to-wit :

“Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall be duly con-

victed, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2nd, Congress shall have power to enforce this article by appropriate legislation," which amendment was approved on the 1st of February, 1865.

*Therefore, be it Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met,* That the said amendment to the Constitution of the United States be, and the same is hereby ratified and adopted.

On motion the rules were suspended and the resolution taken up.

Mr. McDaniel offered as a substitute the resolution introduced by him during the morning session upon the same subject, and moved its adoption, pending which, on motion, the Senate adjourned until to-morrow morning at 10 o'clock.

## WEDNESDAY, DEC. 6TH, 1865.

The Senate met pursuant to adjournment, and was opened by prayer from the Rev. Mr. Brooks.

Hon. B. R. Mimms, Senator elect from the 17th Senatorial District, appeared, was qualified, and took his seat.

The Senate proceeded to the consideration of the unfinished business of yesterday, which was the House Resolution adopting and ratifying the amendment to the Constitution of the United States. The substitute offered by Mr. McDaniel, in lieu thereof, was rejected.

Mr. Simmons offered the following as an amendment, which was agreed to :

*Resolved*, That a certified copy of the foregoing preamble and Resolution be forwarded, by the Provisional Governor, to the President of the United States, and to the Secretary of State of the United States.

Mr. Thornton moved to refer the Resolution, as amended, to the Committee on the State of the Republic.

Mr. Casey moved the previous question, which being sustained, the main question was ordered to be put, and upon the question, "Shall this Resolution be agreed to?" the yeas and nays were required to be recorded, and are yeas 26, nays 14.

Those voting in the affirmative are Messrs :

W. R. Bell, Brown, Butler, Carter, Casey, Crawford, Daley, England, Ezzard, Freeman, Fuller, Griffin, J. F.

Johnson, Kenan, Manson, Mims, Overstreet, Owens, Paris, Quillian, Redding, Russell, Simmons, C. H. Smith, Strickland, Wilcox.

Those voting in the negative are Messrs :

Barwick, O. P. Beall, Black, Bower, Boynton, Dickey, Gholston, J. A. W. Johnson, McDaniel, Moore, O. L. Smith, Strozier, Thornton, Turner.

Yeas 26, nays 14.

So the Resolution, as amended, was agreed to.

On motion, the Rules were suspended, and Mr. Owens introduced a bill to be entitled an act to open the Courts of this State to freedmen, and to regulate their testimony in the same, which was read the first time.

On motion, 46 copies of the same were ordered to be printed for the use of the Senate.

On motion, the Rules were suspended, and Mr. Daly introduced a bill to repeal an act assented to on the 21st day of December, 1857, requiring the Court of Ordinary of Tatnall county to be held on the 2nd Monday in October, instead of the 1st Monday, as provided for by law, which was read the first time.

On motion, the Rules were suspended, and the Secretary was directed to transmit forthwith to the House of Representatives, the House Resolution as amended, adopting and ratifying the amendment to the Constitution of the United States.

Mr. Turner reported the following Resolution :

*Resolved*, That both branches of the General Assembly convene in the Representative Hall, at 10 o'clock, on Friday, the 8th inst., for the purpose of electing a Secretary of State, a Comptroller General, and Treasurer.

On motion, the rules were suspended, the resolution was taken up, read, and agreed to.

On motion, the rules were further suspended, and Mr. C. H. Smith introduced the following bills, which were read the first time:

A bill, to incorporate the Georgia and Alabama Coal, Oil and Manufacturing Co.

A bill, to authorize the Mayor and City Council of the city of Rome, to raise the fee for retail license, and to prohibit the erection of wooden buildings, and for other purposes.

Also, a bill to amend an act entitled an act to incorporate the Georgia and Alabama Rail Road Company, passed Feb. 18th, 1854.

Mr. J. F. Johnson, reported the following resolution :

*Resolved*, That the Secretary of the Senate be authorized

to procure a sufficiency of stationery for the use of the members of the Senate.

On motion, the rules were suspended, the resolution was taken up, read, and agreed to.

On motion of Mr. Turner, the rules were suspended, and the Secretary was ordered to transmit forthwith to the House of Representatives, the resolution in reference to the election of State House Officers.

The following Message was received from His Excellency, James Johnson, Provisional Governor of Georgia, by L. H. Briscoe, his Secretary, to-wit:

*Mr. President* :—I am directed by the Governor, to deliver to the Senate a communication in writing, with accompanying documents.

On motion of Mr. Redding, the message was taken up, and read, as follows :

EXECUTIVE OFFICE,  
PROVISIONAL GOVERNOR OF GEORGIA, }  
Milledgeville, Dec. 6th, 1865. }

*To the Senate and*

*House of Representatives :*

I herewith transmit a copy of a letter received from the Hon. E. Starnes, one of the Commission appointed by the Convention, to prepare and report a code or system of laws.

I have deemed it proper to communicate the information therein contained, as it may have a material bearing on the action of your committees.

I also transmit to your respective branches, the Annual Reports of the Comptroller General, State Treasurer, and Principal Keeper of the Penitentiary.

J. JOHNSON,  
Governor.

(COPY.)  
WASHINGTON, WILKES Co., GA. }  
November 30th, 1865. }

*Dear Governor :*

Four members of the Commission appointed by the Convention, for the purpose of reporting the draft of a system of laws, applicable to the changed circumstances of our condition, to the Legislature, at its approaching session, are at this place, and engaged at that work. We have not been idle, but shall not be able to report at the beginning of the session.

We are sensibly alive to the importance of having the result of our labors before the General Assembly at the earliest possible moment; but so important and extensive a

work, should not be carelessly and hastily dealt with, and we are therefore anxious to present something that may be useful and well matured.

With the utmost diligence, we cannot get the Mss. in proper shape before the Legislature, or rather into your hands, before the 15th December. We will do it earlier if possible.

Very Respectfully,  
Your Obedient Servant,  
E. STARNES.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate, that the House has concurred in the joint resolution passed by the Senate, relating to the improvement of the public grounds, and the necessary repairs to the public buildings, and has appointed on its part as that committee, Messrs. McCombs, Smith of Hancock, Durham.

On motion, 150 copies of Mr. Starnes' letter, the reports of the Superintendents of the Lunatic Asylum, and Asylum for the Blind, Comptroller General, Treasurer, and Principal Keeper of the Penitentiary, were ordered to be printed for the use of the Senate.

On motion of Mr. Casey, the Senate adjourned until 3 o'clock, P M.

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3 O'CLOCK P. M.

The Senate met pursuant to adjournment.

The Hon. J. J. Gresham, Senator elect from the 22d District, appeared, was qualified, and took his seat.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have agreed to a resolution referring the report of the Commission appointed by the late Convention, relating to the government and protection of the freedmen of this State, to the Committee on the Judiciary of each House.

And which I am directed by the House of Representatives to transmit to this branch of the General Assembly.

On motion, the rules were suspended, and the resolution was taken up.

Mr. Beall moved to strike out the words "in all cases.

wherein they are interested," which motion was agreed to.

The resolution, as amended, was agreed to.

On motion, the rules were suspended, and the Secretary was ordered to transmit the same forthwith to the House of Representatives.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives has concurred in the following resolution of the Senate, to-wit :

A resolution bringing on certain elections by General Assembly, and which I am requested to transmit at once to the Senate.

The House of Representatives have also agreed to the following resolution, which I am requested to transmit at once to the Senate, to-wit :

Resolution in reference to selling debris of Georgia Military Institute.

On motion, the rules were suspended, and the House resolution, in relation to the selling of debris of the Georgia Military Institute was taken up, read, and agreed to.

Mr. Thornton reported the following resolution :

*Resolved*, That both branches of the General Assembly convene in the Hall of the House of Representatives, at the hour of 12 o'clock, on Friday, the 8th inst., for the purpose of electing a public State Printer.

On motion, the rules were suspended, the resolution was taken up, read, and agreed to.

On motion, the rules were further suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion, the rules were suspended, and Mr. Kenan introduced a bill to authorize the Governor of the State to cause a survey to be made of all lands lying along the rivers of this State, subject to overflow, which was read the first time.

On motion, the rules were further suspended, and Mr. Boynton introduced a bill for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named, which was read the first time.

On motion, the Senate adjourned until Friday morning, at 10 o'clock.

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FRIDAY, DEC. 8TH, 1865.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brooks.



Mr. Redding reported the following Resolution :

*Resolved*, That the election of State House officers set apart this day by joint resolution, be postponed, and in the mean time the salaries of these officers be adjusted, revised, and fixed by Law.

Mr. J. A. W. Johnson reported the following as a substitute :

*Resolved*, That the State House officers and Judges of the Supreme Court to be elected, do not enter into their several offices until the amount of their respective salaries shall have been fixed by this Legislature.

Mr. Strozier moved to lay the resolution and substitute on the table, which motion was lost.

Mr. J. A. W. Johnson moved the reception of the substitute, which motion was lost.

On agreeing to the resolution, the yeas and nays were required to be recorded, and are yeas 29, nays 11.

Those voting in the affirmative are Messrs.

Barwick, Beall, O. P., Black, Bower, Brown, Butler, Carter, Crawford, Daley, Dickey, Ezzard, Freeman, Fuller, Griffin, Gresham, Johnson, J. F., Kenan, Manson, McDaniel, Mims, Moore; Overstreet, Owens, Quillian, Redding, Simmons, Smith, C. H., Thornton, Wilcox.

Those voting in the negative are Messrs.

Boynton, Casey, England, Gholston, Johnson, J. A. W., Parris, Russell, Smith, O. L., Strickland, Strozier, Turner.

Yeas 29, Nays 11 ; So the resolution was agreed to.

The following standing committees were announced by the President, to-wit :

*Committee on Privileges and Elections*—Messrs. Carter, Daley, Quillian, Gholston, Mims, Black, Boynton.

*Committee on Petitions*—Messrs. O. P. Beall, Fuller, Ezzard, W. R. Bell, Gholston, Strickland, Barwick.

*Committee on Enrollment*—Messrs. O. L. Smith, Fuller, Brown, Carter, C. H. Smith, O. P. Beall, Bower.

*Committee on Journals*—Messrs. Kenan, O. P. Beall, Patterson, Strozier, Butler, J. F. Johnson, McDaniel.

*Committee on the State of the Republic*—Messrs. Thornton, Owens, O. L. Smith, Gresham, Dickey, Turner, Parris.

*Committee on the Judiciary*—Messrs. Moore, Owens, Bower, Gresham, Simmons, Carter, J. F. Johnson, Parris, Strozier, C. H. Smith.

*Committee on Finance*—Messrs. C. H. Smith, Dickey, Griffin, Butler, Manson, England, Freeman.

*Committee on Internal Improvements*—Messrs. Owens, Strozier, England, Crawford, Russell, J. A. W. Johnson, Thornton.

*Committee on Public Education and Free Schools*—Messrs. O. L. Smith, Brown, Black, Freeman, Turner, Crawford, Kenan.

*Committee on Banks*—Messrs. Casey, Owens, Redding, Butler, Johnson, J. F., Gresham, Smith, C. H.

*Committee on New Counties and County Lines*—Messrs. Brown, Fuller, Patterson, Boynton, Ezzard, Griffin, Eardwick.

*Committee on Penitentiary*—Messrs. Redding, Turner, Kenan, Gholston, Wilcox, Simmons, O. P. Beall.

*Committee on Lunatic Asylum*—Messrs. Overstreet, Casey, Manson, Owens, C. H. Smith, Kenan, Crawford.

*Committee on the Military*—Messrs. Simmons, Bedford, Fuller, Gholston, Parris, J. A. W. Johnson, W. R. Bell.

*Committee on Printing*—Messrs. Owens, Kenan, Manson, Brown, Freeman, Mims, J. F. Johnson.

*Committee on Deaf and Dumb Asylum*—Messrs. C. H. Smith, Quillian, Strickland, Mims, Daley, Bower, Turner.

*Committee on the Institution for the Blind*—Messrs. Gresham, Manson, Overstreet, Griffin, O. P. Beall, Black, O. L. Smith.

*Committee on Agriculture*—Messrs. Black, Redding, Gholston, Russell, McDaniel, Boynton, Bedford.

*Auditing Committee*—Messrs. Moore, J. F. Johnson, Simmons, Carter, Kenan, Wilcox, Ezzard.

*Engrossing Committee*—Messrs. Turner, Brown, Butler, Daley, Thornton, Bower, Quillian.

*Committee on Freedmen*—Messrs. Srozier, Casey, Owens, Gresham, Thornton, Butler, Manson, Carter, J. A. W. Johnson, Redding.

On motion 60 copies of the above were ordered to be printed for the use of the Senate.

Mr. Moore, from the committee appointed to wait upon the Governor elect, Hon. Charles J. Jenkins, informing him of his election, and to ascertain from him when it would be his pleasure to be inaugurated, reported that they had performed that duty and submitted the following correspondence :

MILLEDGEVILLE, GA., DEC. 6, 1865.

HON. C. J. JENKINS—

*Dear Sir* :—The undersigned, are a committee appointed by the Senate and House of Representatives, to inform you that at an election held on the 15th of November last, you were elected Governor of this State, to ask your acceptance of the office, and to ascertain at what time it will be your pleasure to be inaugurated. We adopt this method, as most proper, under the circumstances surrounding us, of discharging the duty imposed on us. We take great pleasure in informing you of your election, and in the name and behalf

of the General Assembly, ask your acceptance, and hope you will appoint the time at which you will be inaugurated. With sentiments of high regard, we are very respectfully,

Your obedient Serv'ts,

BEN. B. MOORE, }  
H. R. CASEY, } Senate Committee.  
J. M. FREEMAN, }

C. W. DuBOSE, }  
JAS. H. McWHORTER, } House Committee.  
W. B. BENNETT, }  
JOHN M. EDGE, }  
THOS. MORRIS, }

MILLEDGEVILLE, DEC. 5TH, 1865.

Messrs. Benning, B. Moore, H. R. Casey, and James M. Freeman, Senate Committee, and Messrs. Charles W. DuBose, Jas. H. McWhorter, W. B. Bennett, John M. Edge, and Thos. Morris, House Committee;

*Gentlemen* :—I have received your communication informing me that the people of Georgia had elected me their Chief Magistrate, asking my acceptance of the office and requesting me to designate a time when I will meet the two branches of the General Assembly in joint session, to be inaugurated. The fact communicated excites a profound feeling of gratitude for so signal a manifestation of confidence, mingled with a sense of obligation to devote myself unreservedly, with all possible earnestness to the service of the constituency from whom it emanates. Whilst, however, I promptly accept the office, this very sense of obligation gives me pause, under the peculiar circumstances surrounding them and me, in responding to your concluding request. Were the General Assembly as in olden time, free to bestow and I to accept the insignia of office, I would designate a day within the week for the customary ceremony of inauguration. But the case is far otherwise. To our wills (hitherto controlling on such occasions,) is opposed a stronger will enjoining postponement. The election held on the 15th ultimo was intended not to keep in smooth uninterrupted movement, the machinery of Government, but to set it again in operation after a suspension, entirely novel in the history of our State. The proceedings adopted in and ordered by the late Convention of our people and the meeting at this time and place of the Legislators and Governor elect, were supposed to meet the approbation of the Federal Government by whose authority, in the exercise of the War power, that suspension was made. So far as regards the General Assembly the supposition was apparently well founded. They have met and organized without let or hindrance, and the Provisional Governor, the accredited organ

of the President of the United States, has opened communication with them, and has invited their action as a Legislative body upon several distinct subjects; the Governor elect has been less fortunate; on the morning of the meeting of the General Assembly, and before that meeting, he received from his Excellency the Provisional Governor, an official communication, in the words following:

“EXECUTIVE OFFICE, }  
MILLEDGEVILLE, DEC. 4TH, 1865. }

HON. C. J. JENKINS—

*Dear Sir:*—In the discharge of an official duty, I beg leave to inform you that I have been directed by the President of the United States to continue to act as Provisional Governor of the State of Georgia, until relieved, and my successor recognized by the Government.

Your ob'd't Serv't,

J. JOHNSON,  
Prov. Gov. of Georgia.”

I do not communicate this official note to the General Assembly in any querulous or complaining spirit. Far from it, as they will see in the sequel. I refer to it solely for the purpose of enabling them to see clearly (as I think they must) that the controlling authority which we all acknowledge, makes at this time, a marked discrimination between them and myself, or rather between the Legislative and Executive departments of our State Government now in process of re-organization. I should deeply deplore it were I certified that this discrimination originated in any personal objection to me; my only consolation then would be that I had not sought the position, and I should hasten to relieve my constituents by declining to occupy it. But this is not a necessary inference. There are indications that some action of the Legislative Department was deemed necessary as preliminary to the complete restoration of our State Government and our Federal relations. Hence perhaps, the permitted organization of that branch, whilst for the purpose of keeping in abeyance such restoration, the authorities of the United States, postponed the re-establishment of the Executive branch. As confirmatory of this view the concluding words of the communication above submitted seemed to indicate a possible future recognition of the Governor elect. In a matter of public concern I would be contemptibly weak if I found in all this any personal grief. But the question presents itself in view of the palpable discrimination between the two departments to which I have adverted, whether I can, with propriety, ask the General Assembly to inaugurate me into the Executive office, until I shall have been “recognized by the Government”, whose authority is para-

mount. My opinion is that I cannot. Such a request upon my part and a compliance with it on theirs, may be considered defiant action. It could scarcely be reconciled with respectful acquiescence in the declared purpose of the controlling power. Such acquiescence (so far as duty to my constituents may permit) is the line upon which I am resolved to move, and I am happy to see the General Assembly pursuing the same course. It may be that their prompt compliance already accorded to two emphatic recommendations of the Provisional Governor, will enable the authorities of the United States to discern more fully and more accurately the true spirit of our people. To say we must pursue the course indicated by the President because we are powerless, does not disclose the whole case. The Congress of the United States not having been in session since the cessation of hostilities, until the present week, the whole burthen of pacification and restoration has been upon the President. Under his auspices and by his directions all advances to that end have been made. During their progress he has spoken many words of kindness and encouragement. He surveys the whole field of which we have but a partial view. Difficulties of which we dream not, embarrass him. Confidence, after estrangement, is of slow growth, and the aliment essential to its full development, is mutuality. Unless prepared to accord it, we have no reasonable ground to expect it. If we be patient, if we be trustful, we may also be hopeful. Furthermore, situated as we are, my inauguration without recognition by the Government of the United States, would be both barren of results, and in itself, of questionable propriety. Barren of results, because if inaugurated to-day, I could do no official act. Of questionable propriety because the oath of office, which is the essence of the inaugural ceremony, binds the officer, from the moment it is taken, to the discharge of his duties: as well on that day, as on the last of the term or any intervening one. Where then would be the propriety of taking such an oath, with the full knowledge that the service to which it binds the affiant is indefinitely postponed? I feel less hesitation in adopting the course I propose, because, it will not only (as already shown) occasion no detriment to the public service, but will subject the members of the General Assembly to no personal inconvenience. I have supposed that even in the event of the organization of our Government, at this time, it would be impossible for them to conclude their arduous labors before the occurrence of the Christmas holidays; and that the circumstances of the country will render it desirable to each and all of them to be at home, during that time, and in the early days of January. Hence, I conclude, that in the present defective organization of the State Government, and the hope of a de-

eided improvement in our status, within a month or six weeks, it will probably be their pleasure to take a recess until some day, about the middle of January next. By the 56th section of the Code, it is provided that the inauguration shall take place during the first week of the session, "unless prevented by Providential cause". Such prevention I regard as now existing. I therefore designate the 16th of January next, as the day on which I will meet the Senate and House of Representatives in joint session, for that purpose, *provided*, that, at that time, the Government of the United States shall have signified a willingness to recognize me as the Governor of Georgia. I but designate a day in conformity with the usage. If before a recess, such recognition be accorded, or if for any other reason, not contravening the policy of the Government of the United States, the General Assembly think proper to appoint a different day, I will most cheerfully accept their appointment. Be pleased, Gentlemen, to convey to the General Assembly, and to accept for yourselves, the most respectful consideration of,

Your ob'd't Serv't,

CHARLES J. JENKINS.

On motion the rules were suspended and the Secretary was directed to transmit forthwith to the House of Representatives a resolution postponing certain elections set apart for to-day.

On motion the rules were suspended, for the introduction of new matter.

Mr. Moore introduced a bill to be entitled an act to regulate contracts between master and servant, for services to be performed, and for other purposes, which was read the first time.

On motion the rules were suspended, and 150 copies of the same were ordered to be printed for the use of the Senate.

Mr. Thornton introduced a bill to be entitled an act, to amend the 4435th section of the Penal Code, which was read the first time.

Also, a bill to be entitled an act to alter and amend chapter fourth, article first, part second, title second, of the Code of Georgia, in relation to indented servants and apprentices, which was read the first time.

On motion the rules were further suspended, and the Secretary was ordered to transmit forthwith to the House of Representatives, the resolution in reference to the postponement of the election for State officers.

Mr. Owens submitted a memorial from the Presidents of the Banks of the City of Savannah, which, on motion, was referred to a special committee of five.

The committee appointed under the above consists of Messrs. Owens, Casey, Butler, C. H. Smith and Gresham.

The rules being suspended, Mr. Casey, introduced a bill for the relief of the people of the State, which was read the first time.

Mr. O. P. Beall introduced a bill to be entitled an act to suspend the collection laws of this State, until the 1st of January 1868, except in certain cases therein provided; which was read the first time.

Mr. Daley introduced a bill to be entitled an act to construe and carry into effect the 2635th paragraph of the Code of Georgia; which was read the first time.

On motion, 150 copies of the bill introduced to amend 4435th section of the Penal Code, were ordered to be printed for the use of the Senate.

Also, 300 copies of the correspondence between the Governor elect, and the committee appointed to wait upon him.

On motion the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Hon. P. B. Bedford, Senator elect from the fifth Senatorial district, appeared, was qualified and took his seat.

On motion, the rules were suspended, and Mr. O. P. Beall introduced a bill to be entitled an act to repeal an act, entitled an act to increase the salaries of the Comptroller General, the State Treasurer, and the Secretary of State, after the expiration of the present term of office of the said incumbents, approved on the 26th day of Nov. 1863, which was read the first time.

Mr. Dickey reported the following resolution :

*Whereas*, Under existing circumstances, it is necessary that the members of this General Assembly return to their homes previous to the 25th day of December inst., and whereas, it will be impossible to accomplish in the usual time such legislation as is necessary for the good of the people, be it therefore,

*Resolved*, That the Senate and House of Representatives of the State of Georgia, in General Assembly now met, do take a recess from and after the eighteenth inst., and meet again on the second Tuesday in January next, provided no member shall be permitted to draw any per diem allowance during said recess.

Mr. Brown moved to take up the resolution, which motion was lost.

On motion, the rules were suspended, and Mr. Simmons introduced a bill to be entitled an act to establish a Court

for the trial and punishment of minor offenses, which was read the first time.

Mr. J. F. Johnson reported the following resolution :

*Resolved*, That all bills on their second reading be referred to the appropriate committees unless otherwise authorized by the Senate.

On motion, the rules were suspended, the resolution was taken up, read, and disagreed to.

On motion the following bills were taken up and read the second time and referred to the committee on the Judiciary to-wit :

A bill for the relief of H. J. Sprayberry, of Fulton county.

A bill to be entitled an act to open the Courts of this State to freedmen, and to regulate their testimony in the same.

A bill to repeal an act assented to on the 21st day of December 1857, requiring the Court of Ordinary of Tatt-nall county to be held on the 2nd Monday in October, instead of the 1st Monday as provided for by law.

A bill to be entitled an act for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named.

The following bills were read the second time :

A bill to incorporate the Georgia and Alabama Coal Oil and Manufacturing company.

A bill to authorize the Mayor and Council of the City of Rome to raise the fee for retail license and to prohibit wooden buildings, and for other purposes.

A bill to amend an act entitled an act to incorporate the Georgia and Alabama Rail Road company, &c., passed Feb. 18th, 1854.

On motion of Mr. Moore, Mr. Thornton, was added to the committee on the Judiciary.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, DEC. 9TH, 1865.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brooks.

Leave of absence was granted for one day to Mr. Thornton.

On motion, Mr. Wilcox was added to the Committee on the Lunatic Asylum.

Mr. J. A. W. Johnson introduced a bill to incorporate



the Chattahoochee Mining Company, which was read the first time.

Mr. Kenan introduced a bill for the pardon of John W. Martin, of the county of Habersham, now confined in the Georgia Penitentiary, for the crime of murder, which was read the first time.

Mr. Moore, chairman of the Committee on the Judiciary, made the following report :

*Mr. President :—*The committee to whom was referred a bill to be entitled an act to open the Courts of this State to freedmen, and to regulate their testimony in the same, have had said bill under consideration, and propose to amend it, by inserting after the word “cases” in the 2nd line of the 2nd section, the words “*either civil or criminal.*” Also, to strike out the word “shall” in the 3rd line of the same section, and insert in lieu thereof the word “may.” And further to amend by striking out all of the 3rd section; and with these amendments, the Committee direct me to report in favor of the passage of the bill.

The Committee have also considered a bill to be entitled an act to repeal an act assented to on the 21st day of December, 1857, requiring the Court of Ordinary of Tatnall county to be held on the 2nd Monday in October, instead of the 1st Monday, as provided by law, and recommend it do pass.

Also, a bill to be entitled an act for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named, and report that it be not passed, because it is obnoxious to the 15th clause of the 1st article of the Constitution of the State; and because the relief therein sought is more properly a subject matter of Judicial action.

B. B. MOORE,  
Chairman.

Mr. C. H. Smith reported the following resolution :

*Resolved,* That the Senate committees on the State of the Republic, on Finance, on the Deaf and Dumb Asylum, the Lunatic Asylum, the Penitentiary, on Free Schools, and the Institution for the Blind, be consolidated with the corresponding committees of the House.

On motion, the rules were suspended, the resolution was taken up, read, and agreed to.

Mr. Turner introduced a bill to be entitled an act for the abolition of the State Penitentiary, and for other purposes, which was read the first time.

On motion, the committee on the Judiciary were permitted to employ a Clerk.

Mr. Brown introduced a bill to prescribe the mode for the collection of debts, and for the relief of the people, which was read the first time.

The Senate took up the report of the Committee of the Whole on a bill to be entitled an act to open the Courts of this State to freedmen, and to regulate their testimony.

The Judiciary Committee, to whom this bill was referred, reported the following amendments, to-wit:

By inserting after the word "cases" in the second line of the 2nd section, the words "either civil or criminal." Also to strike out the word "shall" in the 3rd line of the same section, and insert in lieu thereof the word "may," and to further amend by striking out all of the third section.

The amendments were agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and passed.

The Senate took up the report of the committee of the whole on a bill to amend an act to incorporate the Georgia and Alabama Rail Road Co.

The report of the committee was agreed to, the bill was read the third time, and passed.

The following Message was received from his Excellency James Johnson, Provisional Governor of Georgia, by L. H. Briscoe, his Secretary, to-wit:

*Mr. President:*—I am directed by the Governor to deliver to the Senate a communication in writing.

The message was then read, as follows:

EXECUTIVE OFFICE, }  
 PROV. GOV'T. OF GA. }  
 Milledgeville, Dec. 9th., 1865.

*Gentlemen of the Senate, and*

*House of Representatives:*

I have the pleasure to transmit herewith a copy of a Telegram received on last evening, from his Excellency the President of the United States.

J. JOHNSON,

*Prov. Governor.*

[COPY TELEGRAM.]

WASHINGTON, D. C., }  
 December 8th, 1865. }

JAMES JOHNSON,

*Prov. Governor:*

Your dispatch received the first inst. Permit me to congratulate you and the Legislature on their action in adopting and ratifying the amendment to the Constitution of the United States, abolishing slavery.

(signed,)

ANDREW JOHNSON,

*President U. S.*

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk, to-wit:

*Mr. President*:—I am directed by the House of Representatives to inform the Senate, that it has adopted the following resolution, viz: a resolution to consolidate certain committees:

*Resolved*, That the committee on Finance of each branch of this General Assembly be consolidated, and made a joint standing committee, for the consideration of such measures as may be referred to it.

*Resolved further*, That this resolution be transmitted forthwith to the Senate.

The Senate took up the report of the committee of the whole on a bill to change the time of holding the Court of Ordinary of Tatnall county, assented to Dec. 21st, 1857.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to incorporate the Georgia and Alabama Coal Oil and Manufacturing Co.

On motion, the same was referred to the Judiciary committee.

The Senate took up the report of the committee of the whole on a bill to be entitled an act for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named.

On motion, the same was recommitted to the Judiciary Committee, with instructions to report a general bill on the subject.

The Senate took up the report of the committee of the whole on a bill to authorize the Mayor and Council of Rome to raise the fee for retail license, and to prohibit wooden buildings, and for other purposes.

On motion, the same was referred to the committee on the Judiciary.

On motion, the rules were suspended, and the House resolution relative to the consolidation of the committees, was taken up, read and agreed to.

The following bills were read the second time, to-wit:

A bill to be entitled an act to repeal an act entitled an act to increase the salaries of the Comptroller General of the State, Treasurer, and the Secretary of State, after the expiration of the present term of office of the said incumbents, approved on the 26th day of Nov. 1863.

Also, a bill to authorize the Governor to cause a survey to be made of all lands lying along the rivers of the State, subject to overflow.

The following bills were read the second time, and on mo-

tion, were severally referred to the Judiciary committee, to-wit:

A bill to be entitled an act to construe and carry into effect the 2635th paragraph of the Code.

A bill to be entitled an act to alter and amend chapter 4th, article 1st, part 2nd, title 2nd, of the Code of Georgia, in relation to indented servants and apprentices.

A bill to amend the 4435th section of the Penal Code, part 4, title 1, 10th division.

A bill for the relief of the people of this State.

A bill to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes.

A bill to establish a Court for the trial and punishment of minor offences.

A bill to suspend the collection laws of this State until the 1st day of January, 1868, except in certain cases therein provided.

Mr. Overstreet reported the following resolution :

*Resolved*, That the Senate do now proceed to the election of a President pro tempore.

On motion, the rules were suspended, the resolution was taken up, read and agreed to.

The Senate then proceeded to the election of a President pro tempore.

Upon the call of the roll, those who voted for Mr. Moore were Messrs :

Bedford, W. R. Beall, Bower, Boynton, Brown, Butler, Carter, Casey, Crawford, Daley, Dickey, England, Ezzard, Freeman, Fuller, Gholston, J. A. W. Johnson, J. F. Johnson, Kenan, Manson, McDowell, Mims, Overstreet, Owens, Parris, Quillian, Redding, Russell, Simmons, O. L. Smith, C. H. Smith, Strickland, Strozier, Turner, Wilcox.

For Mr. O. L. Smith, Mr. Moore.

Mr. Moore received 35 votes : Mr. O. L. Smith, 1 vote.

Mr. Moore having received a majority of the votes given, was declared by the President of the Senate as duly elected President pro tem.

On motion, the Senate adjourned until Monday morning, at 10 o'clock.

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MONDAY, DEC. 11TH, 1865.

The Senate met pursuant to adjournment, and was opened with prayer from the Rev. Mr. Brooks.

The Hon. N. J. Patterson, Senator elect from the 4th District, appeared, was qualified, and took his seat.

Mr. Moore, from the Judiciary Committee, made the following report :

*Mr. President* :—The Judiciary Committee have had under consideration “a bill to be entitled an act to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes,” and have proposed the following amendments: 1st, amend the first regulation of the second section by substituting in lieu thereof the following, to-wit: “The hours of labor in the field, sundays excepted, shall be from sunrise to sunset, with a reasonable time for breakfast and dinner, the servants to rise at daylight, feed stock, prepare their breakfast, and do other necessary work about the house, and to get to their field work by sunrise.” Also, propose to amend the third section by making it read as follows, to-wit: “The servant shall obey all lawful orders of the master, or his agent, and shall be honest, faithful and diligent, in his or her business, and if he or she shall depart from the service of the master without good cause, he or she shall forfeit the wages due him or her.” Also, to amend the fifth section by striking out the word “credentials” in seventh line, and inserting the word “certificates,” and by striking out the word “two” in the eleventh line, and inserting the word “four,” and striking out the word “two” in the fifteenth line and inserting “four,” and also by adding an additional section to the fifth section thereof, in the following words:

“Sec. 6th. *Be it further enacted*, That if the master shall discharge the servant from his or her service without good cause, he or she shall be liable to pay the wages agreed on for the whole time for which said servant was hired.”

And with these amendments, they recommend the passage of the bill.

B. B. MOORE, Chairman.

The Senate took up the report of the committee of the whole on a bill to be entitled an act to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes.

The Judiciary Committee to whom the bill was referred, submitted the following amendments, to-wit:

1st, To amend the first regulation of the 2nd section by substituting in lieu thereof the following: “The hours of labor in the field, sundays excepted, shall be from sunrise to sunset, with a reasonable time for breakfast and dinner, the servants to rise at daylight, feed stock, prepare their breakfast, and do other necessary work about the house, and get to their field work by sunrise.”

They also proposed to amend the third section, as follows: "The servant shall obey all lawful orders of the master or his agent, and shall be honest, truthful and diligent in his or her business, and if he or she shall depart from the service of the master without good cause, he or she shall forfeit the wages due him or her."

They also propose to amend the 5th section by striking out the word "credentials" in the seventh line and insert the word "certificates," and by striking out the word "two" in the eleventh line, and insert the word "four," also by striking out the word "two" in the fifteenth line, and insert the word "four."

They also propose the following as the fifth section:

Sec. 5th. *Be it further enacted*, That if the master shall discharge the servant from his or her service, without good cause, he or she shall be liable to pay the wages agreed on for the whole time for which said servant was hired."

The amendments were agreed to.

On motion the bill was referred to the committee on Freedmen.

The Senate took up the report of the committee of the whole on a bill to authorize the Governor to cause a survey to be made of all the lands lying along the rivers of this State subject to overflow.

On motion of Mr. Kenan the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to repeal an act entitled an act to increase the salaries of the Comptroller General, the State Treasurer, and the Secretary of the State, after the expiration of the present term of office of the said incumbents, approved on the 26th day of November, 1863.

On motion, the same was laid on the table for the present.

The following bills were read the second time, to-wit:

A bill to be entitled an act for the abolition of the State Penitentiary, and for other purposes.

On motion, the same was referred to the Committee on the Penitentiary.

A bill to be entitled an act to incorporate the Chattahoochee Mining Company.

On motion the same was referred to the Committee on the Judiciary.

A bill for the pardon of John W. Martin, of the county of Habersham, now confined in the Penitentiary for the crime of murder.

A bill to prescribe the mode for the collection of debts, and for the relief of the people.

On motion the same was referred to the committee on the Judiciary.

On motion the rules were suspended and the Senate took up the report of the committee of the whole on a bill to repeal an act entitled an act to increase the salaries of the Comptroller General, the State Treasurer, and the Secretary of State, after the expiration of the present term of office of the said incumbents, approved on the 26th day of November, 1863.

Mr. O. P. Beall offered the following as a substitute :

“A bill to be entitled an act to define and regulate the salaries of the Comptroller General, State Treasurer, and Secretary of State :

*The General Assembly of the State of Georgia do enact,* That from and after the passage of this act, the salary of the Comptroller General shall be two thousand dollars per annum, the salary of the State Treasurer shall be two thousand dollars per annum, and the salary of the Secretary of State shall be two thousand dollars per annum.

*Be it further enacted,* That all laws militating against this act be, and the same is hereby, repealed.

The substitute was adopted in lieu of the original.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the rules were suspended and the Secretary directed to transmit the same forthwith to the House of Representatives.

Mr. Casey, from the committee to whom was referred the bill to authorize and regulate contracts between master and servants for labor to be performed, and for other purposes, submitted the following report :

“In relation to the status of the negro “old things have passed away, behold all things are new.” We acknowledge the application of this scriptural phrase to the condition of the white and black man. The Constitutional amendment adopted by the present Legislature has determined that involuntary servitude, except under certain specifications therein named, shall not exist in this State. This breaks up effectually the *old relation* of master and slave. Under the old dispensation of slave labor the people of the slave States had grown to be a great and a prosperous people. Under a system of slave labor, wisely and humanely employed, these States, through their agricultural products, had grown in wealth and importance, while the negro as a race had made a gradual and very perceptible advance in the scale of civilization. The benefits arising from this system of labor were not confined to the South-

ern States alone, but thereby millions have been added to the wealth of the North. In the midst of this wide spread prosperity, and increase in wealth, the war came upon us with its long train of evils, resulting in the present distracted and unsatisfactory state of things. How are we to legislate now is the question uppermost in the minds of those entrusted with this power? What kind of legislation will best suit the existing state of things not incompatible with the change in the status of the negro? How are we to control this free labor? is a question your committee find more easily asked than answered. The difficulties in the way arise from two causes, first, from the nature and character of the negro, and secondly, from his changed relation and condition, which allows him full scope to the exercise of a nature inclined to wrong doing, when not under a controlling power. Your committee are impressed with the fact that the announcement of freedom to the negro, with the declaration that he is clothed with the rights of citizenship, has not been received and understood by him. While they are made free, it is the wish and policy of the Government to continue them as laborers among us, governed and controlled by laws humanely conceived and judiciously executed. Your committee are not prepared to make a full and satisfactory report at this time, in part owing to the fact that the commission appointed by the Convention to frame a Code of Laws for the government of these people, have not yet made their report, and for the additional reason that the field of our labors is a large and extensive one, full of difficulties, and for the successful management of which time and great care are necessary. Your committee are also assured of the fact that immediate legislation on this important matter, is demanded and expected by the Planting interest of the country. To satisfy this urgent demand and in advance of more definite and specific legislation on this point, your committee recommend the passage of the bill referred by the Judiciary Committee to this committee, to-wit:

“A bill to be entitled an act to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes.”

On motion the rules were suspended, and the Senate took up the report of the committee of the whole on a bill to be entitled an act to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes.

Mr. Carter moved to add the following proviso to the second section, which was agreed to, to-wit:



*“Provided, That nothing in this act enumerating the duties of servants shall be construed to interfere with any provisions of private contracts between parties.”*

The report of the committee as amended was agreed to, the bill was read the third time and passed.

On motion the rules were suspended and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the rules were suspended for the introduction of new matter.

Whereupon, Mr. Casey introduced:

A bill to be entitled an act to repeal an act entitled an act to extend the civil jurisdiction of the city courts of Augusta, to abolish the tax or court fee, and to make the fees of the officers of that court the same as in the Superior Courts of this State, assented to March 9th, 1865, which was read the first time.

Mr. Wilcox introduced a bill to authorize Robert Todd, of the county of Irwin, to peddle in this State without a license, which was read the first time.

Mr. J. A. W. Johnson introduced the following bills, which were read the first time

A bill to provide for the collection of debts in this State, and for other purposes. Also,

A bill to permit certain persons to build stock gaps on the Western & Atlantic Rail Road.

Mr. Quillian reported the following Resolution :

*Whereas, There are standing committees appointed by the General Assembly to look after several institutions of the State, such as the Georgia Military Institute, Penitentiary, &c.. and whereas, the Western & Atlantic Rail Road is by far the most important of a public character we have, and should receive the constant and special care and attention of the General Assembly, therefore,*

*Resolved, by the Senate and House of Representatives of the State of Georgia, That the House of Representatives appoint a standing committee of seven, and that the Senate appoint a standing committee of five, and that said committees be known as committees on the Western & Atlantic Rail Road, and act in concert as a joint standing committee from both Houses.*

Mr. O. P. Beall introduced a bill to fix the amount of compensation the officers and members of the General Assembly shall receive for their services, until otherwise altered by law, which was read the first time.

Mr. Strickland introduced a bill to extend the term of office of Sheriffs, Clerks of the Superior and Inferior Courts, County Treasurers, County Surveyors, and Coroners, in

this State, to four years, which was read the first time. Also,

A bill to require persons owning land in this State in counties in which they do not reside, to register their names and residences, together with the number of their land, the district and section in which it is located, in the Clerk's office of the Superior Court in the county where the land lies, and for other purposes, which was read the first time.

Mr. Daley introduced a bill to alter and amend the 10th paragraph of the 2nd article, part 1st, title 16th, chapter 5th, of the Code of Georgia, which was read the first time.

Mr. Strozier introduced a bill to add the county of Terrell to the South-Western Judicial Circuit, which was read the first time.

Mr. O. P. Beall introduced a bill to change the county line between the counties of Lee and Terrell, to add a portion of the county of Lee to the county of Terrell, and for other purposes, which was read the first time.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole on a bill to authorize the Governor to cause a survey to be made of all the lands lying along the rivers of this State subject to overflow.

On motion, the same was referred to a special committee of three.

The committee appointed under the above consists of Messrs. Kenan, Owens, and Mims.

Mr. Kenan reported the following Resolution :

*Resolved*, That the joint committee of the Senate and House of Representatives, appointed to examine the public buildings and report upon the repairs necessary to be made, be authorized to employ a competent engineer to assist the committee.

On motion the rules were suspended, the resolution was taken up, read, and agreed to.

The following message was received from his Excellency James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit :

*Mr. President* :—I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying documents :

EXECUTIVE OFFICE, }  
 PROV. GOV'T. OF GA., }  
 Milledgeville, Dec. 11th, 1865.

*Gentlemen of the Senate, and*

*House of Representatives :*

I herewith transmit a report from the Financial Committee, appointed under a Resolution of the Convention.

Also, the report of the Superintendent of the Western & Atlantic Rail Road.

J. JOHNSON,  
*Prov. Governor.*

COMMITTEE ROOM, }  
 STATE FINANCE COMMITTEE, }  
 December 7th, 1865.

*His Excellency*

JAMES JOHNSON,

*Provisional Governor of Georgia :*

SIR :—We have the honor to communicate, that, under your appointment, in obedience to Resolution of the late Convention, we have been continuously engaged in performing the duty devolved upon us, since the 21st ult.

The financial operations of the State, for the last four years, were many and various, and large sums of money have been received and disbursed. Many of the persons and papers necessary to a proper discharge of our duty, are in remote and different sections of the State; and under the circumstances, we find it impossible to report at present to the Legislature, but hope to do so before its final adjournment.

(signed,) Very Respectfully,  
 THOS. P. SAFFOLD,  
*Chairman.*

OFFICE SUP'T WESTERN & ATLANTIC R. R. }  
 ATLANTA, GA., DEC. 5TH, 1865. }

*To his Excellency*

JAMES JOHNSON,

*Governor of Georgia :*

SIR :—In compliance with the laws of this State, I herewith transmit to your Excellency a statement of the condition and operations of the Western & Atlantic Rail Road, since the 25th day of September last, the day on which it was restored to the State of Georgia, and receipted for by

me, under an order from Maj. Gen'l. Geo. H. Thomas, commanding the Military Division of Tennessee, embracing the department of Georgia.

It would perhaps have been more satisfactory to have presented the operations of the road up to the first of the present month; but the returns from the different agencies on the line, could not be matured in time to embrace them in this report.

I have therefore given below the income and expenses of the road from the 25th of September to the first of November, embracing a period of thirty-six days.

Gross Earnings, . . . . .	\$170,793 38
Expenses, . . . . .	50,074 51

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Nett income, . . . . .	\$120,718 87
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From the above statement it will be seen that the nett earnings of the road have been \$120,718 87 for the first thirty-six days of its operations, subject to charges due the East Tennessee and Georgia Rail Road for the use of six miles of road from the junction near Chickamauga station to Chattanooga.

This portion of the State Road was destroyed during the War, and was not rebuilt by the United States.

The road when received was in a destitute condition. The cars and engines, had been used, many of them, as long as safety would admit; and were scattered, some in Virginia, South Carolina, and different portions of Georgia.

These cars and engines have been collected as far as possible, and others will be returned as soon as the Rail Roads are completed, over which they will pass on their return to this place.

There were purchased for the use of this road from the United States, eight locomotive engines, about one hundred and forty box cars, and about forty-five flat cars; also, three stationary engines, for pumping water and running the machinery in the car shop, purchased by the road from the United States, which was erected on the land belonging to the State at Chattanooga. Every shop belonging to the Road having been destroyed, it was necessary to make the purchase to do the necessary repairs to keep up the rolling stock. In addition to the above there was also purchased from the United States, a large amount of Rail Road supplies, and five tenement houses in Chattanooga, in which to board and lodge employees of the Road. These five house, cost the sum of \$1,040 00—are new and well suited for said purpose. As soon as the road was received, proposals to rebuild Howe Truss bridges were issued, and the same put under contract. Eight of the most important bridges were to be completed by the fifteenth of this month, and five others by the first of January next. The contrac-

tors have been delayed in the work for the want of mills of capacity to saw bridge lumber, but are using every energy to perform the work, and seem confident of their ability to have them up before the winter freshets begin.

It is hoped the earnings of the Road will pay for building the bridges, but a large amount of iron will be required to replace that which is old, and been burnt and crooked, and otherwise injured. And also iron sufficient to relay the road from the junction to Chattanooga, being a distance of eight miles, on which the iron has been torn up and removed by the United States military authorities. This will require an outlay of money, which should be borrowed, so as not to interfere with the finances of the road until the bridges are paid for.

The expenses of working the road will increase, in consequence of the large number of ties, and amount of wood now being put on the road, as will the increase in the number of guards and watchmen to protect the property and merchandize shipped over the road, against a host of thieves and robbers, who infest the road its entire length.

In addition to this, I have been compelled to increase the wages of agents and employees, in consequence of the enhanced price of provisions and rent of houses.

By the act of Congress passed the 4th July, 1864, the internal revenue tax on the earnings of this road, as well as on cars, engines, water tanks, &c., will, if levied and collected, amount to seventy-five thousand dollars per annum.

I have given the subject much consideration, and have come to the conclusion that the Western & Atlantic Rail Road being exclusively the property of the State, is not subject to taxation under said act.

I have therefore prepared an argument and submitted it to the Revenue Assessor, and also forwarded a copy of the same to the Commissioner of Internal Revenue, at Washington City, for consideration. And should the Commissioner determine to have the tax assessed and paid on the same, then it would be advisable that such action be taken as to protect the State against such action by testing the validity of the act, imposing and collecting such taxes.

In consequence of the want of means, I have not had the depots on the road rebuilt, except at Atlanta, the walls of which have been repaired, and are now being covered, and will soon be ready for use.

I have also in process of erection at the same place a Machine Shop, to repair engines, &c., the building of which is indispensable to the service of the road.

The culvert at Vining's Station, built at immense expense, was blown up and rendered unsafe by the Federal army, and is now being repaired at considerable cost.

Since my appointment to office I have used every effort to make the road self-sustaining as far as possible ; and if it could have the use of two hundred thousand dollars, for two years, to purchase iron, it could pay the interest, and discharge the debt at maturity.

Believing that the road can, within a few years, be made to relieve the citizens of this State of the great burthen of taxation, I would respectfully recommend such policy be adopted, as will, in the shortest possible time, place it in good condition, with an abundance of rolling stock, to enable it to discharge all the demands which may be made upon it.

The above report is most respectfully submitted to your consideration.

ROBT. BAUGH,  
*Superintendent.*

The following message was received from the House of Representatives, by their Clerk, Mr. Waddell, to-wit :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that they have agreed to a joint Resolution adjourning the General Assembly from Dec. 15th to 15th January next, 1866. A copy of which I am directed to transmit forthwith to the Senate.

On motion the rules were suspended, and the reading of the report of the Superintendent of the W & A. Rail Road was dispensed with, and 50 copies of the same ordered to be printed for the use of the Senate.

On motion the rules were suspended, and the Senate took up the House resolution in reference to the adjournment of the General Assembly on the 15th inst.

Mr. McDaniel moved to strike out the "15th," and insert "Monday the 18th," also, to strike out the words "15th of January," and insert "1st of February."

Mr. O. L. Smith moved for a division of the question, which was agreed to.

The motion to strike out was lost.

On motion the Resolution was laid on the table for the present.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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TUESDAY, DEC. 12TH, 1865.

The Senate met pursuant to adjournment and was opened by prayer.

Mr. Kenan, moved to reconsider so much of the Journal of yesterday as relates to the passage of a resolution author-

izing the joint committee appointed to examine the public buildings and report upon the repairs necessary, to employ a competent engineer, which was agreed to.

On motion the rules were suspended, and the resolution was taken up. On motion the same was laid on the table.

Mr. J. F. Johnson introduced a bill to allow Clerks of the Superior and Inferior Courts of this State to practice law in all the Courts of this State, except the Courts in which they are officers, which was read the first time.

Mr. Strozier introduced a bill to exempt from levy and sale certain property of every debtor, and to repeal the 2013th and 2017th sections of the Code of Georgia, which was read the first time.

Mr. Thornton introduced a bill to confer certain powers on the commissioners of Louisville, and for other purposes, &c., which was read the first time.

Mr. Turner introduced a bill to amend the 2541st section of the Code of Georgia, in reference to advancements, and the mode of estimating the value of the same, which was read the first time.

The following Message was received from His Excellency, James Johnson, Provisional Governor of Georgia, by L. H. Briscoe, his Secretary, to wit:

*Mr. President*:—I am directed by the Governor, to deliver to the Senate, a communication in writing.

EXECUTIVE OFFICE, }  
MILLEDGEVILLE, GA. DEC. 12TH, 1865. }

*Gentlemen of the Senate and*

*House of Representatives :*

I received this morning a telegram from His Excellency, the President of the United States, a copy of which is herewith transmitted.

J. JOHNSON,  
Governor.

[COPY TELEGRAM.]

WASHINGTON, D. C., }  
DECEMBER 11TH, 1865. }

*J. Johnson,*

*Provisional Governor :*

The Governor elect will be inaugurated, which will not interfere with you as Provisional Governor. You will receive instructions in a few days in regard to being relieved as Provisional Governor.

Why can't you be elected as Senator? I would issue no

commissions for members of Congress. Leave that for the incoming Governor.

We are under many obligations to you for the noble, efficient and patriotic manner in which you have discharged the duties of Provisional Governor, and will be sustained by the Government.

(signed)

ANDREW JOHNSON,

President U. S.

Leave of absence was granted for a few days to Mr. Black, on important business.

Mr. Thornton introduced the following Resolution :

*Resolved*, by the Senate and House of Representatives, that a committee be appointed, of two from the Senate and —from the House to notify the Governor elect, the Hon. Charles J. Jenkins, that the General Assembly will be pleased to inaugurate him Governor of Georgia, to-morrow at 12 o'clock in the Hall of the House of Representatives.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

The committee appointed under the above resolution consists of Messrs. Thornton and Manson.

On motion, the Secretary was ordered to transmit the resolution forthwith to the House of Representatives.

Mr. Moore, from the Judiciary committee, submitted the following report :

*Mr. President* :—The Judiciary committee have had under consideration certain bills, and have directed me to report thereon as follows :

A bill to be entitled an act to construe and carry into effect the 2635th paragraph of the Code, which they recommend do not pass.

Also, a bill for the relief of H. J. Sprayberry, of Fulton county, for which they recommend the passage of a substitute herewith presented, to be entitled an act for the relief of securities on recognizances in certain cases.

Also, a bill to authorize the Mayor and Council of the City of Rome, to raise the fee for retail license and to prohibit wooden buildings, and for other purposes, for which they propose a substitute to be entitled an act to amend the charter of the City of Rome, by authorizing the Mayor and Council to raise the fee for retail license and to prohibit the erection of wooden buildings.

Also, a bill to incorporate the Georgia and Alabama Coal Oil and Manufacturing company, which they propose to amend by changing the title of said company, wherever it occurs in the bill, from the "Georgia and Alabama Coal Oil and Manufacturing company", to the "Georgia and



Alabama Mining and Manufacturing Company", and further to amend by adding another section to the bill as follows : And be it further enacted, that each and every stockholder shall be liable individually to the creditors of the Company to the extent of his stock subscribed, for the payment of any and all debts that said company may incur, and as thus amended, they recommend that it do pass.

B. B. MOORE, Chairman.

Mr. Thornton reported the following Resolution :

Resolved by the Senate, That the Secretary be authorized to have printed for the use of the Senate, and its Secretaries, one hundred copies of the names of Senators, their districts, counties composing them, and their Post offices ; also, name and Post office of Secretary and Assistants.

On motion the rules were suspended, the resolution was taken up, read and agreed to.

On motion of Mr. C. H. Smith, Mr. O. P. Beall was added to the Finance committee.

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have passed a Resolution instructing the State Treasurer to make certain advances to the President of the Senate and Speaker of the House, Members of the Legislature, and other officers, which I am directed to transmit to this branch of the General Assembly.

On motion the rules were suspended, and the Senate took up the House resolution instructing the State Treasurer to make certain advances to the President of the Senate and Speaker of the House, Members of the Legislature, and other officers.

Mr. Thornton offered the following as a substitute :

Resolved, "By the Senate and House of Representatives, that the Treasurer of the State be authorized to advance to each member of the General Assembly, and its officers, the sum of one hundred dollars, the same to be accounted for in a settlement of their final accounts, for per diem and mileage".

On motion the substitute was adopted.

The resolution as amended was agreed to, and on motion the same was ordered to be transmitted forthwith to the House of Representatives.

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives has passed a Resolution providing for the appointment of a joint committee to consist of two on the part of the Senate, and three on the part of the House, to confer with the Govern-

or elect, and to know of him on what day it may be his pleasure to be inaugurated.

That committee on the part of the House, consists of Messrs. McWhorter, of Green, Kirby, of Chattooga, and French of Schley ; which I am directed to transmit to this branch of the General Assembly.

On motion the rules were suspended, and the Senate took up the Message of the House in reference to agreeing to a resolution appointing a joint committee to confer with the Governor elect, and know of him on what day it may be his pleasure to be inaugurated.

On motion the resolution was concurred in, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the report of the committee of the whole on a bill to incorporate the Georgia and Alabama Coal Oil and Manufacturing company.

The committee on the Judiciary to whom this bill was referred, submitted the following amendments, to-wit :

To change the caption from "Coal Oil and Manufacturing", to "Mining and Manufacturing". Also, to add the following, as an additional section, to-wit :

Section 8th, And be it further enacted, That each and every stockholder shall be liable individually to the creditors of the company, to the extent of his stock subscribed, for the payment of any and all debts that said company may incur.

The amendments were agreed to.

Mr. Thornton moved to strike out the word "50 years" in the last section, and insert "30 years", which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill for the pardon of John W. Martin, of the county of Habersham, now confined in the Penitentiary for the crime of murder.

On motion, the same was referred to the committee on Penitentiary.

The Senate took up the report of the committee of the whole on a bill for the relief of H. J. Sprayberry, of Fulton county.

The Judiciary committee to whom this bill was referred, reported the following as a substitute, which was adopted, to-wit :

A bill to be entitled an act for the relief of securities on recognizances in certain cases—

Whereas, many persons have heretofore become security on recognizances for the personal appearance of parties at the Superior Courts of this State, who, after the execution of said bonds enlisted in the Confederate army and navy, and whereas, many of said recognizances either have been, or are liable to be forfeited to the great injury of said securities, for remedy whereof,

Section 1st, Be it enacted by the General Assembly of the State of Georgia, that in all cases in the Superior Courts of this State, where such recognizances have been forfeited or are liable to be forfeited and the principals did before such forfeiture enlist in the Confederate army or navy and cannot now be found or produced, the security or securities on such recognizances shall be and they are hereby relieved from all the pains, penalties and liabilities of the same, any law, usage or custom to the contrary notwithstanding.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to authorize the Mayor and Council of Rome to raise the fee for retail license and to prohibit wooden buildings, and for other purposes.

The Judiciary committee to whom this bill was referred, submitted the following as a substitute :

An act to amend an act incorporating the City of Rome, by authorizing the Mayor and Council to raise the fee for retail license and to prohibit the erection of wooden buildings, &c.

Section 1st, Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, that the Mayor and City Council of the City of Rome, may raise the fee for license to retail spirituous liquors, to any sum not exceeding five hundred dollars, and may issue license to such persons as they think proper.

Sec. 2d, Be it further enacted, That the said Mayor and Council may by ordinance, prohibit the erection of wooden buildings upon such streets as to them may seem necessary for the safety of the City.

Sec. 3d, All laws militating against this act are hereby repealed.

On motion the substitute was adopted.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following bills were read the second time, to-wit :

A bill to repeal an act entitled an act to extend the civil jurisdiction of the city Courts of Augusta, to abolish the tax

or Court fees, and to make the fees of the officers of that Court the same as in the Superior Courts of this State, assented to March 9th, 1865.

A bill to add the county of Terrell, to the South-Western Judicial circuit.

A bill to fix the amount of compensation the Members and officers of the General Assembly shall receive for their services until otherwise altered by law.

On motion the same was referred to the Finance committee.

A bill to permit certain persons to build stock gaps on the Western & Atlantic Rail Road.

On motion the same was referred to the committee on Internal Improvements.

The following bills were read the second time, and on motion, were severally referred to the Judiciary committee, to-wit :

A bill to alter and amend the 10th paragraph of the 2d article, part 1st, title 16th, chapter 5th, of the Code of Georgia.

A bill to require persons owning lands in this State in counties in which they do not reside, to register their names and residence, together with the number of their land, the district and section in which it is located, in the Clerk's office of the Superior Court in the county where the land lies, and for other purposes.

A bill to authorize Robert Todd of the county of Irwin, to peddle in this State without a license.

A bill to provide for the collection of debts in this State, and for other purposes.

A bill to extend the term of office of Sheriffs, Clerks of the Superior and Inferior Courts, County Treasurer, County Surveyors and Coroners, in this State, to four years.

The Senate took up the resolution of the House of Representatives relative to the adjournment of the General Assembly on the 15th inst.

On motion of Mr. J. F. Johnson, the resolution was laid on the table for the present.

On motion the Senate adjourned until 3 o'clock P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Leave of absence was granted to Mr. Kenan until tomorrow morning.

Mr. Gresham introduced a bill to amend and add to the 3985th section of the Code of Georgia, which was read the first time.

Mr. Butler introduced a bill to repeal so much of the act of the General Assembly of the State of Georgia as authorized the extension of the charter of the Union Bank, approved Feb'y 13th, 1854, which was read the first time.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY, DEC. 13, 1865.

The Senate met pursuant to adjournment and was opened with prayer.

Mr. Daley moved to re-consider so much of the Journal of yesterday, as relates to the passage of a resolution of the House, authorizing the Treasurer to make certain advances, which motion was agreed to.

Mr. Daley moved to amend by striking out "100" and inserting "150."

Mr. Strozier moved to strike out "100" and insert "200."

Mr. Overstreet offered the following amendment: "That each member of the General Assembly and the officers thereof, shall receive advances in proportion to the pay and mileage allowed by the Code of Georgia;" which was disagreed to.

Mr. Butler moved to amend by inserting after the word "dollars," the following:

"And those members living in the most distant counties to receive 135 dollars;" which motion was lost.

The motion of Mr. Strozier to strike out "100" and insert "200" was lost.

The motion of Mr. Daley to strike out "100" and insert "150" was agreed to.

The resolution as amended was agreed to, and on motion the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Thornton, from the committee appointed to wait upon the Governor elect, and know of him when it would be his pleasure to be inaugurated, reported that they had performed that duty, and the Governor elect had informed them that it would be his pleasure to be inaugurated on to-morrow at 12 o'clock, M.

The Senate took up the House resolution in reference to the adjournment of the General Assembly, on the 15th inst., and the inauguration of the Governor elect.

On motion, the clause in reference to the inauguration of the Governor elect was stricken out.

On motion of Mr. McDaniel, the resolution was laid on the table for the present.

The Senate took up the report of the committee of the whole, on a bill to add the county of Terrell to the South western Judicial Circuit.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Moore from the Judiciary Committee, made the following report :

*Mr. President :—*The Judiciary Committee, to whom was referred certain bills, have had the same under consideration, and have directed me to report thereon as follows :

A bill to alter and amend the 10th paragraph of the 2nd Article, part 1st, title 16th, chapter 5th, of the Code of Georgia, which they recommend do pass.

Also a bill to extend the term of office of sheriffs, clerks of the Superior and Inferior Courts, county Treasurers, county Surveyors, and Coroners in this State, to four years, which they recommend do not pass.

Also a bill to provide for the collection of debts in this State, and for other purposes, which they recommend do not pass.

Also a bill to authorize Robert Todd, of the county of Irwin, to peddle in this State without license, which they recommend do not pass, because it is special legislation, and therefore unconstitutional.

B. B. MOORE,  
Chairman.

The Senate took up the report of the committee of the whole, on a bill to repeal an act entitled an act to extend the civil jurisdiction of the city Courts of Augusta, to abolish the tax or Court fees, and to make the fees of the officers at that Court, the same as in the Superior Courts of this State, assented to March 9th, 1865.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to alter and amend the 10th paragraph of the 2nd Article, part 1st, title 16th, Chapter 5th, of the Code of Georgia.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to extend the term of office of sheriffs, clerks of the Superior and Inferior Courts, county Treasurers, county Surveyors and Coroners in this State to four years.

The Judiciary Committee reported adversely to the passage of the bill.

The report was agreed to and the bill was lost.

The following message was received from the House of Representatives, by Mr. Waddell their Clerk :

*Mr. President* :—The House of Representatives has passed a bill to be entitled an act to authorize an advance of payment to be made to the Public Printer of the present session of the Legislature ; which I am directed to transmit to this branch of the General Assembly.

Also an act to change the place of holding the Court of Ordinary of Bartow county.

The Senate took up the report of the committee of the whole on a bill to authorize Robert Todd, of the county of Irwin, to peddle in this State without a license.

The Judiciary Committee, to whom the bill was referred, recommended that the same do not pass.

The report was agreed to and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to provide for the collection of debts in this State, and for other purposes.

On motion the same was laid on the table for the present.

On motion, the rules were suspended, and Mr. Thornton reported the following resolution :

*Resolved*, By the Senate and House of Representatives, that a committee of two from the Senate, and three from the House of Representatives, be appointed to make suitable arrangements for the inauguration of the Governor elect.

On motion, the rules were suspended, and the resolution was taken up, read and agreed to.

The committee appointed under the above, consists of Messrs. Thornton and Kenan.

On motion, the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

On motion, the rules were further suspended, and Mr. Redding reported the following resolution :

*Resolved*, That in the event the committee now engaged in preparing a Code of Laws in conformity to the resolution of the late Convention, shall fail to make their report to the

General Assembly, by the 15th inst., the Secretary of the Senate be directed to superintend the printing of the same, and to forward two copies to each member of the Senate during the recess.

On motion, the rules were suspended, and the resolution was taken up, read and agreed to.

The following bills were read the second time, to wit :

A bill to repeal so much of the act of the General Assembly of the State of Georgia, as authorized the extension of the charter of the Union Bank, approved February 13th, 1854.

On motion, the same was referred to the Committee on Banks.

A bill to confer certain powers on the Commissioners of Louisville, and for other purposes.

The following bills were read the second time, and on motion, were severally referred to the Judiciary Committee, to wit :

A bill to allow clerks of the Superior and Inferior Courts, to practice law in all the Courts of this State, except the Courts in which they are officers.

A bill to exempt from levy and sale, certain property of every debtor, and to repeal the 2013th and 2017th Sections of the Code of Georgia.

A bill to amend the 2541st Section of the Code of Georgia, in reference to advancements, and the mode of estimating the value of the same.

A bill to amend and add to the 3985th Section of the Code of Georgia.

The following bills of the House of Representatives were taken up and read the first time, to wit :

A bill to authorize an advance of payment to be made to the Public Printer of the present session of the Legislature.

A bill to change the place of holding the Court of Ordinary of Bartow county, until a Court House is built.

The following message was received from the House, through Mr. Waddell, their Clerk :

*Mr. President* :—I am directed to inform the Senate that the House has adopted a resolution authorizing the appointment of a joint committee, to inquire into the present condition of the Executive Mansion.

The committee on the part of the House are Messrs. Ridley of Troup, Snead of Richmond, and McComb of Baldwin.



They have also adopted a resolution relative to the revision of the Code of Georgia, by Hon. David Irwin, of this State.

They have also concurred in a resolution of the Senate, appointing a joint committee to arrange for the inauguration of the Governor elect.

The committee on the part of the House are Messrs. Cabiniss, McWhorter of Oglethorpe, and Hill.

On motion, the rules were suspended, and the Senate took up the resolution of the House, authorizing the appointment of a joint committee to inquire into the present condition of the Executive Mansion.

On motion, the resolution was concurred in.

The committee appointed under the above, consists of Messrs. Gresham and Manson.

On motion, the resolution was ordered to be transmitted forthwith to the House of Representatives.

On motion, the rules were further suspended, and the Senate took up the House resolution relative to the revision of the Code of Georgia, by the Hon. David Irwin, of this State.

On motion, the resolution was concurred in, and the Secretary directed to transmit the same forthwith to the House of Representatives.

On motion of Mr. C. H. Smith, Mr. Gresham was added to the Committee on Finance.

On motion, the rules were suspended, and Mr. Thornton introduced a bill to authorize and empower the Judges of the Superior Courts of this State, to hold special terms for the trial of criminals, and for other purposes; which was read the first time.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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THURSDAY, DEC. 14TH, 1865.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brooks.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk:

*Mr. President:*—I am directed by the House of Representatives to inform the Senate, that they have agreed to a

substitute for the Senate bill, entitled an act to define and regulate the salaries of Comptroller General, State Treasurer, Secretary of State, and Librarian, to which substitute the concurrence of the Senate is asked.

Also, that the House have concurred in the substitute agreed to by the Senate, respecting certain advances to be made to officers and members of the General Assembly, with an amendment, to which the concurrence of the Senate is asked.

Also, a resolution passed by the House, bringing on election of State House officers.

Also, a resolution passed by the House authorizing His Excellency the Governor, to borrow upon the faith and credit of the State, the sum of one hundred thousand dollars.

Also, a bill entitled an act to incorporate Gazelle Fire Co. No. 4, and Gazelle Hose Co. No. 4, for the encouragement of their members, and for other purposes.

Also, a bill to be entitled an act for the encouragement of Richmond Fire Co. No. 7, and for other purposes.

Mr. Moore, Chairman of the Judiciary Committee, made the following report:

*Mr. Peesident*:—The Judiciary Committee, to whom certain bills were referred, have had the same under consideration, and have directed me to report back to the Senate “a bill to amend and add to the 5985th section of the code of Georgia,” which they recommend do pass. Also, “a bill to require persons owning land in this State, in counties in which they do not reside, to register their names and residences, together with the number of their land, the district and section in which it is located, in the Clerk’s office of the Superior Court in the county where the land lies, and for other purposes,” for which they offer a substitute in lieu of the original, with the recommendation that it do pass, and which is a bill to be entitled an act to amend the tax laws of this State, and define the duties of the receivers of tax returns in certain cases.

B. B. MOORE,  
Chairman.

The following Message was received from His Excellency, James Johnson, Provisional Governor of the State of Georgia, by L. H. Briscoe, his Secretary, to-wit:

*Mr. President*:—His Excellency, the Governor, has approved and signed a joint resolution, appointing a committee to make arrangements for the inauguration of the Governor elect.

Mr. Owens, chairman of the committee on Internal Improvements, makes the following report:

*Mr. President:*—The committee on Internal Improvements, to whom was referred “an act to be entitled an act to permit certain persons to build stock gaps on the Western and Atlantic Rail Road,” beg leave to report that they have had the same under consideration, and have instructed me to report, that they recommend the passage of the said bill. All of which is respectfully submitted.

GEO. S. OWENS,

Ch'mn. Com. Int. Imp's.

Leave of absence was granted Mr. O. P. Beall after tomorrow. Also, to Messrs. Gresham and Mims after to-day.

On motion, the rules were suspended, and the message of the House in reference to the Senate fixing the salaries of State officers, was taken up.

On motion, the amendments of the House were concurred in.

The Senate took up the House resolution in reference to authorizing the Treasurer to make certain advances.

Mr. Gresham offered the following as an amendment, to-wit:

That the sum of 2500 dollars be advanced to the Trustees of the Blind School, for the support of the same.

On motion, the same was agreed to.

On motion, the amendments of the House were concurred in.

The resolution as amended was agreed to.

The Senate took up the resolution of the House in reference to bringing on the election of State officers.

On motion, the same was concurred in.

The Senate took up the resolution of the House in reference to authorizing the Governor to borrow the sum of one hundred thousand dollars, on the credit of the State.

On motion, the resolution was concurred in.

On motion, the rules were suspended, and the Secretary was directed to transmit forthwith to the House of Representatives, all matters acted upon by the Senate, contained in the last message from the House.

Mr. Moore reported the following resolution:

*Whereas*, Suits have been commenced against some of the Banks of this State, and are now pending; And *whereas*, in view of legislation for the partial relief of Banks and their stockholders, it is but equitable that all creditors of these institutions should have an equal chance after fair notice, therefore,

*The General Assembly of the State of Georgia do resolve*, That all suits against Banks in this State are hereby suspended until the end of the present session of the General

Assembly, and that all judgments rendered in such suits, between the passage of this resolution and the final adjournment of the present session, shall be of no effect.

On motion of Mr. Gresham, the rules were suspended, and the Senate took up the resolution of the House relative to the adjournment of the General Assembly on the 15th inst.

Mr. Owens offered the following as a substitute, which was rejected, to-wit :

*Resolved by the Senate and House of Representatives, That the General Assembly take a recess from the adjournment on the 15th day of December, until the 30th day of January next.*

Mr. Manson moved to strike out the words "fifteenth of January," and insert "eighteenth of January" which motion was lost.

On motion, the resolution was concurred in.

On motion of Mr. Redding, the rules were suspended, and the Senate took up the following House bills, which were read the second time, to-wit :

A bill to authorize an advance of payment to be made to the Public Printer of the present session of the Legislature.

Mr. Barwick introduced a bill to authorize Silas Rawles, of the county of Emanuel, to peddle in the State without a license, which was read the first time.

Mr. Brown introduced a bill to prevent persons of African descent from coming into this State, which was read the first time.

Mr. Crawford introduced a bill to alter paragraph 4593rd and 4607th of the code of Georgia, which was read the first time.

Mr. Freeman introduced a bill to authorize Justices of the Inferior Courts of the several counties of this State, to borrow money on the faith and credit of their respective counties, and for other purposes therein mentioned, which was read the first time.

Also, a bill to repeal an act to change the second section of an act to be entitled an act to alter and amend the road laws of this State, approved Dec. 19th, 1818, so as to extend and define the ages to which persons shall be liable to work upon the public roads, assented to Dec. 4th, 1862, which was read the first time.

Mr. McDaniel introduced a bill to prohibit itinerant trading in certain articles, and to make it a misdemeanor to engage in such trading, without a license from the Inferior Court, which was read the first time.

Mr. W. R. Bell introduced a bill to give the several Justices' Courts of this State jurisdiction in all cases where the amount of damages does not exceed fifty dollars, which was read the first time.

The Senate took up the report of the committee of the whole on a bill to permit certain persons to build stock gaps on the Western and Atlantic Rail Road.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took the report of the committee of the whole on a bill to require persons owning lands in this State in counties in which they do not reside, to register their names and residence, together with the number of their land, the district and section in which it is located, in the Clerk's office of the Superior Court of the county where the land lies, and for other purposes.

The committee on the Judiciary, to whom this bill was referred, reported the following as a substitute, to-wit :

A bill to be entitled an act to amend the tax laws of this State, and to define the duties of receivers of tax returns, and the Comptroller General, in certain cases.

Sect. 1st. *The General Assembly of the State of Georgia do enact*, That it shall be the duty of the receiver of tax returns of each county in this State, to require each and every person giving in his or her taxable property, to designate the number, district, and section of each lot of land so given in, and it shall further be his duty then to forward to the Comptroller General the number of each lot of land in his county, which has not been returned for taxes by any person in the county, and it shall be the duty of the Comptroller General to allow said receiver of tax returns no commissions until his said duties be performed.

Sec. 2. *Be it further enacted by the authority aforesaid*, That the Comptroller General, upon the receipt of the several returns of tax receivers of this State, shall compare the same, and ascertain what lot or lots of land have not been returned for taxes in each county in this State, and shall then forward to the receiver of tax returns of the several counties, a list of all the land in his county, designated by lot, which has not been returned for taxes.

Sec. 3. *Be it further enacted*, That each receiver of tax returns shall, upon the reception of said list from the Comptroller General, proceed forthwith to assess said land, at a fair valuation, upon the best information he can obtain, and to return said assignment to the tax collector of the county, the amount so assessed to be collected as the other

taxes in this State are collected: *Provided*, that any land sold for taxes under the provisions of this act may be redeemed by the owner thereof at any time within two years from the date of sale, upon the payment to the purchaser of the amount paid by him, with all cost and interest thereon, at the rate of ten per cent per annum.

Sec. 4. *Be it further enacted*, That all laws and parts of laws militating against this act, be and the same are hereby repealed.

On motion, the bill was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to amend and add to the 3985th section of the code of Georgia.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to confer certain powers on the commissioners of Louisville, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to repeal so much of the act of the General Assembly of the State of Georgia, as authorizes the extension of the charter of the Union Bank, approved February 13th, 1854.

The report of the committee was agreed to, the bill was read the third time and passed.

The following bill was taken up, read the second time, and on motion, was referred to the Judiciary Committee, to-wit:

A bill to authorize and empower the Judges of the Superior Courts of this State to hold special terms for the trial of criminals, and for other purposes.

The following bill of the House of Representatives was taken up and read the second time, to-wit:

A bill to change the place of holding the Court of Ordinary of Bartow county, until a Court House is built.

On motion, the same was referred to the Judiciary Committee.

The following bills of the House of Representatives were taken up, and read the first time, to-wit:

A bill for the encouragement of Richmond Fire Co., No. 7, and for other purposes.

A bill to incorporate Gazelle Fire Co. No. 4, and Gazelle Hose Co. No. 4, for the encouragement of their members, and for other purposes.

Mr. Moore moved to suspend the rules in order to take up a resolution relative to the suspension of suits against some of the Banks of the State, which motion was lost.

On motion of Mr. Dickey, the Senate took a recess of twenty minutes.

The Senate reassembled ten minutes to 12 o'clock, M. when the following message was received from the House of Representatives by Mr. Waddell, the Clerk thereof:

*Mr. President:*—I am directed to inform the Senate that the House of Representatives is now prepared to receive the Senate for the purpose of inaugurating the Governor elect.

On motion of Mr. Moore, the Senate then repaired to the Representative Hall, and being seated, the Governor elect, the Hon. Charles J. Jenkins, accompanied by the Hon. Jas. Johnson, Prov. Governor, the State House officers, and other distinguished citizens, was introduced by the joint committee. The Governor elect then addressed the General Assembly as follows, and took the oath prescribed by the Constitution of the State and of the United States:

## INAUGURAL ADDRESS.

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*Senators and Representatives:*

I am here, in obedience to the behest of the People of Georgia, to assume the duties and responsibilities, imposed by the Constitution and laws of the State, upon their Chief Magistrate. Many of you have, in the past, witnessed like scenes, when some worthy son of the ancient Commonwealth was inaugurated to the same position, provided with abundant resources, garnered in successive years of prosperity, and charged by their skillful use, to maintain her prestige and her honor, and to press forward her illimitable progress to still higher achievements in civilization. Then, she was not inaptly styled the EMPIRE State of the South. This significant epithet, *accorded*, not *arrogated*, implied the possession, in large measure, of the elements and attributes that combine to produce greatness in a State. If extent of territory, salubrity of climate, fecundity of soil, mineral wealth, manufacturing facilities, and a rapidly increasing, virtuous, intelligent and enterprising population vigorously improving these physical advantages, be reliable indicia, Georgia did no violence to truth in modestly accepting the distinction.

But war—the reproach of christian civilization—the despoiler of the noblest monuments of human progress,

has swept over her mountains and her plains, desolated her cities and her fields, wasted her accumulated wealth, destroyed the labor system whence it sprung, immolated thousands of her strong men and her brave youths, draped in mourning her matrons and her maidens, and caused the crest she erst wore so proudly, to droop in temporary despondency. All honor to her heroic dead, and sympathy immeasurable for the gentler sex, who bedew their memories with the tears of affection.

These depressing reflections are indulged in no spirit of reproach or repining. Such mischievous pastime can heal no wounds—repair no injuries. I sketch Georgia as she was, and as she is; because, from her abject present, her glorious past must be reproduced and excelled in the future. This day, the mighty work of re-production begins. Its inception, so far as depends upon governmental agency, is devolved upon us; and it were well that we look the herculean task steadily in the face.

I advert to the desolation that now broods over our beloved State, for the further purpose of impressing upon a suffering and expectant constituency the peculiar embarrassments that beset the services they demand of us. Whilst they hope yet again to see "the wilderness and the solitary place made glad for them, and the desert rejoice and blossom as the rose," let them remember that all this is the work of time. Let them bear in mind, moreover, that whilst it is the duty of Government to protect and foster individual enterprise, *that* is itself the great reproductive agent which must lay under contribution, for the general weal, the forest and the axe, the soil and the plough, the mine and the forge, the water-fall and the loom, the locomotive that annihilates space, and the steam that hisses at the burthens with which men seem to task its latent power.

Then, Senators and Representatives, fully appreciating the difficulties that encompass us, modestly estimating our ability to surmount them, relying upon the patient indulgence and just judgment of a magnanimous constituency; and, above all, trusting to a favoring Providence, let us earnestly address ourselves to the work before us, unappalled by its magnitude.

In the brief survey, appropriate to this occasion, of the field of operation upon which we are entering, we are led to consider, *first*, our Federal relations, and *secondly*, our home interests. The Constitution of the United States defines the former, and the Constitution of the State of Georgia indicates our duty concerning the latter. In these two great charters of liberty, there is no inherent cause of conflict. As, according to Republican theory, all government is but popular agency; so these instruments construed together, present to the mind of the enquirer, a clear, satis-



factory division between the governments they severally institute, of all the powers necessary to the public exigencies. Yet we are admonished by history, written in blood, that conflict has arisen in the past. Originating, partly, in the too eager advocacy of abstract theories—partly in sectional jealousies and antagonisms, and enlisting the evil passions of humanity, it waxed fiercer and fiercer as it progressed, in a series of years, and culminated in the attempted separation of some of the American States from the remainder. Memories of common sufferings, and common triumphs, and anticipations of an exalted destiny, within the reach of a united, but unattainable by a divided people, alike lost their power over men's minds. The desire for triumph in the strife thus engendered on both sides, speciously assumed the guise of patriotism and inspired men using a common shibboleth with mutual aversion. Five years since, reason abandoned, and the sword assumed the arbitrament. We open not that record of violence; would that we could stamp it with the seal of oblivion. Now, the wager of battle is over, and the award is against us, as parties to the issue. Our whole people have risen up and accepted it as by the will of one man.

What valor failed to achieve, wisdom has promptly renounced; and truth herself has set her signet to the attestation of the deed.

In the recent remodeling of their Constitution, the People of Georgia have acknowledged the Constitution, constitutional laws, and treaties of the United States, as their *Supreme law*. This means something more than a yielding of the contest, or an overture for restoration. It implies fidelity to the supreme law in all future legislative, executive, and judicial action, and in all future movements of the People en masse. It implies a recognition of duty to, and interest in, the whole country, as well as to, and in the State of Georgia. It is of course predicated upon a reciprocal obligation on the part of those to whom this pledge is renewed. The institution of slavery—the fruitful source of discord in the past, has been effectually eradicated from our social and political systems. It can never again disturb the harmony of our national deliberations, without which, the Federal Union must be a curse instead of a blessing. If the whole People, repressing all promptings of sectional feeling, and interest, will faithfully observe, and obey the Federal Constitution, coming events may lift the veil which now covers recent demonstrations of Providence, and disclose to their rectified vision, in striking contrast, ruin caused by human folly, and renovation wrought by Divine wisdom. After weeping that has endured through a long night of civil strife, joy may come in the morning of reunion.

Let not our people yield to discouragement, in view of the tardy progress of reconstruction, or of the suspicion and distrust, so palpably manifested towards them. Sustained by conscious rectitude, let them maintain, with calm and resolute dignity, the position they have taken, and await the result. A tempest of unsurpassed fury has swept over the land. The elements do not subside into their normal quiet, instantaneously with the lull of the wind, the sleep of the lightning, and the hush of the thunder. The smoke of an hundred battles does not vanish in a moment. But the atmosphere will clear ere long; those who can not now see how men who recently fought with such desperation against the United States, can so soon become its leal citizens, will then look at us through a rectified medium. It will occur to them that valor and truth are twin sisters, born of magnanimity, whose womb never did nor ever will conceive treachery. They will then remember, and appreciate the historical fact, that the States now returning never confederated against the United States, until each for herself had, in open day, and in hearing of all mankind, declared herself separated from that power. And although they will still hold that act wrong in principle and void in fact, they will find in it no taint of duplicity. They will look in vain through all the sanguinary traces of war, for the trail of the serpent. In due time, consistency will command confidence, and sincerity, like the diamond of the first water, will assuredly win its own recognition. Then, our too suspicious judges will marvel less at our approved fealty, than at their own tardiness in discerning it.

Be the process of restoration long or short, when consummated, our attitude will and must be that of strict fidelity to the Union, of equality with our associates, and of dignity sustained by an inner sense of unviolated integrity.

Turning our attention to subjects of State administration, appertaining more directly to the service upon which we are entering, the mind involuntarily pauses upon the changed relation between the Caucasian and African races inhabiting Georgia. How to secure the latter, in the positive enjoyment of the freedom with which they have been suddenly invested, with the least possible detriment to both, is a problem full of perplexity—tasking all the energies of astute, upright intellect. It is believed that the victors in the war, out of which the change has been wrought, and who took the initiative of the process, have realized, in full force, its intrinsic difficulties. Its solution has been already partially, and ere long will possibly be fully devolved upon the States more immediately interested, and better qualified for the work, by reason of that greater familiarity with the characteristic traits of the negro, and with the

employments in which he has been trained, and to which his steady adherence should be encouraged. The transition from slavery to freedom of a large class, is not a novel one in American history. In several of the States it has been effected without exterior intervention, by a process so gradual that no shock has been felt in the labor system—no frenzied impulse imparted to the liberated class. Upon us, it has come like the sudden upheaving, the terrific trembling, and the destructive engulfing of the earthquake, in volcanic localities. But however effected, and by whatever embarrassments encumbered, the fact is accomplished—unalterably fixed. The realization that it is so, is the first step towards the adjustment of a new system, and that, I am persuaded, is, in its vast magnitude, its tremendous consequences, clearly impressed upon the Southern mind.

Any reference in detail to the action demanded by the crisis, would be inappropriate to this occasion, and is rendered unnecessary by the prudent forecast of the Convention recently held, entrusting to five gentlemen, equally distinguished for ability, experience and benevolence, the work of preparing and digesting, for your consideration, a system or code of laws, adapted to the exigencies of the new situation. In it you may find valuable aid, and I commend it to your serious consideration.

At this time I propose only a reference to prominent points, demanding attention, and general principles which should govern our action.

And first, I present to you a well merited plea in behalf of the emancipated African.

Hitherto the faithful bondsman of the race, from whose personal dominion he has just been disenthralled, but upon whose benignity and justice he still depends for protection and advancement, he stands before you an object of peculiar interest. Happy in the past bondage, which lightly taxed his physical energies, abundantly supplied his wants, as well in infancy and old age as in vigorous manhood—as well in sickness as in health—and which leaves him at its close, immeasurably elevated above the cōtemporany native of Africa, descended from the same ancestry, he looks anxiously to his future, and feels that it is still immeasurably in the hands of the late proprietary race.

It is undeniably true that during all the years of his enslavement, he has been marvelously quiet, profoundly content with his condition. And what shall be said of his deportment during the last half decade of sad memories? Whilst your strong men were in the tented field, far away from unprotected wives and children, he cultivated their lands, tended their households, and rendered all servile observances, as when surrounded by the usual controlling

agencies. And since the fiat of emancipation, which he neither forced, nor implored, although sometimes unsettled in his purposes, and inconstant in his service by contract, (the natural results of a transition so sudden and so thorough) I take you all to witness, that, in the main, his conduct has been praiseworthy, beyond all rational expectation. Tell me not of instances of insubordination as a slave, and of indecorum as a freedman, that have transpired in certain localities, or characterised particular individuals. These are exceptional cases; the general rule being quite otherwise. Do our own race render unvarying obedience to the mandates of Law? Are our own offspring, through the years of minority, always subordinate to parental authority? Shall then the less cultivated African be held to a stricter accountability or be judged by a higher standard of moral rectitude?

Tell me not the race is ungrateful. The assertion is against the truth of tradition and experience. I here declare that in my judgment, their fidelity in the past, and their decorum under the distracting influences of the present, are without a parallel in history, and establish for them a strong claim upon our favoring patronage. As the governing class, individually and collectively, we owe them unbounded kindness, thorough protection, incentives, by moral suasion, by appeals to their interest, and by just legal restraint, to do right, that they may do well. Their rights of person and property should be made perfectly secure, so secure that they may realize their freedom, and its benefits, and of it, they should be encouraged and stimulated to make benefit. To this end the Courts must be opened to them, and they must be allowed in the operation and defence therein, of their rights, in civil and criminal cases, the testimony of their own race. As essential to their well being they should be guarded on the one hand against the crafty machinations of the designing, and on the other, against the fatal delusion of social and political equality.

If there are any pseudo philanthropists who are inclined to infuse into their minds this unfriendly delusion, or to preach to us the duty of entering upon this levelling process, let them open their mission by pointing to examples. Assuredly, there is not one to be found beneath the broad expanse of our Constitution.

The necessity of subordination and dependence should be riveted on their convictions. Such degree of legal restraint as may be requisite to this end, is enforced upon us by a sudden change of relation, originated neither by them nor by us; and, happily for all parties, it need not conflict with the unvarying observance of the law of kindness, which facilitates intercourse between equals, and causes the inferior

to recognize in his superior a benefactor. No less able than formerly to fill their accustomed departments of labor, they should be made to realize that this is not only compatible with, but an indispensable condition of their altered status. If won to the practice of honesty, sobriety and industry, they will be, for us, the best laboring class, and we, to them, the best employers the world can furnish, because of the thorough acquaintance between the classes.

I speak with reference to the present, and the near future. Were it now divulged that, in the changes to be evolved by time, they are destined to attain such advancement that, in their daily intercourse, they shall look in the face no superior, all philosophy, other than Utopian—certainly all American philosophy, as illustrated by practice—would anticipate for them an antecedent translation to other climes. Were I so presumptuous as to predict for them such a change, both of condition and local habitation, all Southern American voices would unite in one loud acclaim "*so mote it be.*" But our duty is with the present; and encompassed as it is with difficulties, I say to you, *courage*, Senators and Representatives; resolutely, and earnestly essay to surmount them all. God is merciful! God is mighty! God in his abounding mercy, and in the plenitude of his might, so dispose our fortunes and theirs, that each class shall be to the other, a blessing, not a curse.

The public property and State Institutions have suffered much from the positive ravages, and the indirect injuries of war. The Penitentiary edifice, although not entirely destroyed, has been so far consumed by fire as to render it both insecure, and insufficient for the purposes of its erection.

The Western and Atlantic Rail Road has been restored to the State authorities in a dilapidated condition; its track and bridges, hastily and insufficiently repaired for temporary use—many of the buildings, appurtenant to it, and essential to its successful operation destroyed, and the rolling stock reduced far below the exigencies of the service.

The sources of supply to the educational interests, fostered by the State have been dried up, and new fountains must be opened to nourish them. The University hitherto the nursery of statesmen, jurists, educators, and ministers of religion, founded and endowed by our forefathers, and recognized by the Convention recently assembled in this Hall as the foster child of the State, has been of necessity closed during the war.

Although bereft of former immediate resources, without fault on their part, the Trustees, relying on the strength of their claim upon the State, recognized by the Convention as the basis of the constitutional obligation superadded by

them, have determined to re-open the institution in January next:

The Asylums for the lunatic, the blind and the deaf and dumb, those most beneficent charities, are languishing for lack of means.

The emancipation of slaves heretofore constituting a large item of property, the unquestionable failure of the Banks, (with few exceptions,) from causes beyond their control; the utter worthlessness, or great depreciation of many public, corporate and private securities, and various other losses, have materially diminished the subjects of taxation.

Even moderate taxation will be felt burthensome by our impoverished people. But I doubt not they will cheerfully bear any imposition necessary to maintain great public interests, and avoid further suspension of valuable institutions and noble charities.

The indebtedness of the State is comparatively very small; she has investments far exceeding in value its entire amount, and her other resources though greatly diminished, are still large. Her circumstances enjoin upon her rulers a strict and wise economy, which is always a public virtue, but justify no feeling of despondency. There need be no paralysis of the body politic, no shrinking from the maintenance of great public charities and educational processes hitherto fostered.

The demoralizing influences of war upon a considerable portion of our population are easily discernable by the intelligent observer, resulting chiefly from the too great relaxation of legal restraint. There is, however, a large leaven of virtue and intelligence, whose silently redeeming influence will materially aid the re-establishment of law and order.

Peace restored—the machinery of government once more put in operation—public and private enterprise aroused from their long slumber—educational institutions reopened—our sacred temples and our altars with their holy ministrations frequented as of yore, and the blessing of Almighty God overspreading and vivifying all earnest effort, Georgia will illustrate the teachings of adversity by speedily achieving an enlarged prosperity.

Senators and Representatives, I tremble in view of the part assigned me in this work of renovation, and but for a steadfast reliance upon the source of all wisdom and all power, I would this moment relinquish the attempt. I can promise you, and through you our noble people, naught but entire devotion to the public interest, and faithful effort to perform the high obligation I am about to assume. In your appointed co-operation, I find a stay for my own weakness. The fundamental law makes us co-laborers, and let us understand, in the beginning, that mutual distrust, pro-

ducing discordant counsels, will assuredly render nugatory our whole service, and disappoint the just expectations of a confiding people. Perfect agreement in the two departments, entire coincidence of opinion is not to be hoped. Toleration of difference on particular points will promote general harmony and co-operation. Intolerance will be the forerunner of misrule. In this view of our relations I tender you, in advance, my confidence. I invoke yours in return, and anticipating a cordial reciprocity, I have only to add GOD HELP US ALL.

I am ready to take the oath of office.

On motion, the President and members of the Senate then repaired to their Chamber, when, on motion, the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Dickey moved that 500 copies of the Inaugural Address of the Governor elect be printed for the use of the Senate, which was agreed to.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, DEC. 15TH, 1865.

The Senate met pursuant to adjournment, and was opened with prayer.

The following Message was received from the House of Representatives, by Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives has passed a bill to be entitled an act to amend the several acts of force in relation to the City of West Point, in Troup county, and to grant to the Mayor and Aldermen of said City, additional powers and to define the same.

Also, a Resolution to instruct the Inferior Courts to report destitute widows, orphans and disabled soldiers, which I am instructed to transmit to this branch of the General Assembly.

Mr. Moore, Chairman of the committee on the Judiciary, made the following report:

*Mr. President:*—The Judiciary committee, to whom was referred a bill to be entitled an act to incorporate the Chat-

tahoochee Mining Company, have considered the same, and have directed me to report a substitute of the same title, which they recommend do pass in lieu of the original ; also, a bill to be entitled an act to change the place of holding the Court of Ordinary of Bartow county, until a court-house is built, which they propose to amend by adding an additional section thereto, as follows : " And be it further enacted, that the Superior and Inferior Courts of said county shall be held at the town of Cartersville in said county, until the Justices of the Inferior Court shall have made proper and suitable provisions for holding said Courts at the county seat, and all writs, processes, subpoenies and summons, issued by the Clerks of said Courts, shall be made to conform to this act", and with this amendment, they recommend that it do pass.

B. B. MOORE, Chairman.

On motion of Mr. Manson, Mr. Kenan was added to the committee to examine into the condition of the Executive Mansion.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the report of the committee of the whole on a bill of the House to change the place of holding the Court of Ordinary of Bartow county, until a court-house is built.

The Judiciary committee, to whom this bill was referred, submitted the following as an additional section, to-wit :

Section 2nd, And be it further enacted, that the Superior and Inferior Courts of said county, shall be held at the town of Cartersville in said county, until the Justices of the Inferior Court shall have made proper and suitable provisions for holding said Courts at the county seat, and all writs, processes, subpoenas and summons, issued by the Clerks of said Courts, shall be made to conform to this act.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

On motion of Mr. Daley, the rules were suspended, and the Senate took up the report of the committee of the whole on the House bill to authorize an advance of payment to be made to the Public Printer of the present session of the Legislature.

Mr. Strozier moved to refer the same to the Finance Committee, which motion was lost.

The report of the committee was agreed to.

The bill was read the third time and passed.

On motion the rules were suspended, and the Secretary was directed to transmit forthwith to the House of Repre-



representatives the House bill in reference to changing the place of holding the Court of Ordinary of Bartow county; also, a bill authorizing an advance of payment to the public printer.

On motion of Mr. McDaniel, the rules were suspended, and the Senate took up the resolution of the House instructing the Inferior Courts to report destitute widows, orphans and disabled soldiers.

On motion, the same was concurred in.

Mr. Smith, Chairman of the committee on Finance, submitted the following report:

*Mr. President:*—The committee on Finance, to whom was referred a bill to be entitled an act to fix the amount of compensation, the Members and Officers of the General Assembly shall receive for their services, until otherwise altered by law, have had the same under consideration, and beg leave to report the same back to the Senate, without recommendation.

CHAS. H. SMITH, Chairman  
Joint Finance Committee.

The Senate took up the resolution authorizing the appointment of a joint standing committee on the Western and Atlantic Rail Road.

On motion the same was disagreed to.

On motion Mr. Quillian was added to the committee on Internal Improvements, and Mr. Simmons to the committee on Freedmen.

The Senate took up the report of the committee of the whole, on a bill to incorporate the Chattahoochee Mining Company.

The committee on the Judiciary, to whom this bill was referred, offered the following as a substitute, which was adopted, to-wit:

A bill to be entitled an act incorporating the Chattahoochee Mining Company.

Section 1st, Be it enacted by the General Assembly of the State of Georgia, that James A. W. Johnson, Samuel H. Baker, W. W. Baker, their associates, successors and assigns, be, and they are hereby created a body politic and corporate, under the name and style of the "Chattahoochee Mining Company", for the purpose of mining, transporting and selling gold, silver, oil, petroleum, coal, iron and all other minerals in this State and elsewhere; and for constructing all necessary machinery and buildings for the manufacture of the same, on any lands which they may acquire by purchase or otherwise; also, the privilege of manufacturing iron from the ore into pig metal and rolled iron; and by

said name and style they are hereby made a body capable in law to contract, and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, unite and prosecute to final judgment in all Courts of law and equity in this State and elsewhere; to have and use a common seal; with full power to purchase, enjoy and possess estates, real, personal, and mixed; and full power to sell and convey the same, with all powers and privileges necessary, and proper for them, as an incorporate company, and by such name and style to have succession for the term of thirty years.

Sec. 2d, Be it further enacted, That the incorporators, in person or proxy, shall, as soon after the passage of this act as convenient, meet and organize, by the election of a board of directors, consisting of five, who shall have the management and control of the affairs of said company, a majority of whom shall constitute a quorum for the transaction of business, each being a stockholder to the amount of twenty shares; who, as well as their successors, shall hold their office for one year, and until their successors are elected. Said Directors shall annually thereafter, give notice, by publication in one or more newspapers of this State, direct the Stockholders, to meet at their office in person or by proxy, to elect Directors for the next ensuing year. If said Directors shall fail or refuse to give said notice, any two of the stockholders may give said notice, and hold said election in conformity with such by-laws as said Directors may adopt. And if it should happen that said election should not be had at the proper time as designated, the said corporation for that reason shall not be dissolved, and an election may be held on some other designated day. Said Directors shall have power to elect and appoint such officers as the by-laws may provide; and may take bonds in accordance with their said by-laws; and may remove or dismiss any of them at pleasure, and may fill all vacancies in their body, occasioned by death, resignation or otherwise. Said Directors shall have power to make such by-laws as may be deemed necessary for said corporation.

Sec. 3rd, Be it further enacted, That said Directors shall keep proper books of stock and account of the business of said company; and that all stock and property of said company shall be assignable on the books of said company, in such manner as the by-laws may prescribe.

Sec. 4th, Be it further enacted, That such corporation shall not be dissolved unless by a vote of two-thirds of the whole capital stock; and that the capital stock of said company shall be two hundred thousand dollars, divided into two thousand shares of one hundred dollars each, which capital stock may be increased or diminished, as the Directors may determine.

Sec. 5th, Be it further enacted, That the property of said company, together with the individual property of each stockholder, to the amount of his or her stock, shall be liable for the payment of all debts and liabilities of said company.

Sec. 6th, Be it further enacted, That this act shall take effect from and after its passage, and that all laws militating against the same be and the same are hereby repealed.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following Message was received from His Excellency Charles J. Jenkins, Governor of the State of Georgia :

*Mr. President* :—I am directed to deliver to the Senate a communication in writing.

His Excellency has approved and signed a bill to be entitled an act to define and regulate the salaries of the Comptroller General, State Treasurer, and Secretary of State.

The Message was then read as follows :

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE 15TH DEC'R, 1865. }

*To the General Assembly* :—I respectfully suggest to you the importance of passing before your contemplated recess, an act providing for the admission of the testimony of free persons of color, into the Courts of the State, with such limitations as your wisdom may devise.

Convinced as I am that such a measure is not only right in itself, but necessary to the full restoration of civil authority in Georgia, I earnestly request your early consideration of the subject.

Many of our citizens now charged with crime or misdemeanor, will probably be remitted to the civil tribunals for trial, if such an act be passed, who will otherwise be tried by Military Courts. Without intending to insinuate aught against the latter, I may remark, that trial by the former is more in accordance with the genius of our institutions and the experience of our people.

Respectfully, &c.,

CHARLES J. JENKINS.

The following bill of the House was taken up and read the first time, to-wit :

A bill to amend the several acts of force in relation to the city of West Point in Troup county, and to grant to the Mayor and Aldermen of said City, additional powers, and to define the same.

The following bills were read the second time, to-wit :

A bill to repeal an act to change the several sections of

an act entitled an act to alter and amend the road laws of this State, approved December 19, 1818, so as to extend and define the ages to which persons shall be liable to work upon public roads, assented to Dec'r 4, 1862.

A bill to prevent persons of African descent from coming into this State.

On motion the same was referred to the committee on Freedmen.

The following bills were read the second time and on motion were severally referred to the Judiciary committee, to-wit:

A bill to authorize Silas Rawles of the county of Emanuel, to peddle in this State without a license.

A bill to alter Paragraphs 4598 and 4607 of the Code of Georgia.

A bill to authorize the Justices of the Inferior Courts of the several counties of this State, to borrow money on the faith and credit of their respective counties, and for other purposes therein mentioned.

A bill to prohibit itinerant trading in certain articles, and to make it a misdemeanor to engage in such trading without a license from the Inferior Court.

A bill to give to the several Justices Courts of this State jurisdiction in all cases sounding in damages where the amount claimed does not exceed fifty dollars.

The following bills of the House of Representatives, were read the second time and on motion, were severally referred to the Judiciary committee, to-wit:

A bill for the encouragement of Richmond Fire Company No. 7, and for other purposes.

A bill to incorporate Gazelle Fire Company No. 4, and Gazelle Hose Company No. 4, for the encouragement of their members, and for other purposes. •

On motion of Mr. Daley, the Inaugural address of the Hon. Charles J. Jenkins Governor elect, was ordered to be spread upon the Journal.

Mr. C. H. Smith from the committee on Enrollment, reported as enrolled and ready for the signature of the President and Speaker of the House, a bill to be entitled an act to consolidate the offices of Secretary of State and Surveyor General, and provide salaries for the Comptroller General, State Treasurer, Secretary of State and State Librarian.

The following Message was received from the House of Representatives, by Mr. Waddell, the Clerk thereof:

*Mr. President*:—I am directed by the House of Representatives to inform the Senate that they are now ready to receive the Senate for the purpose of holding the elections set apart for this day.

On motion of Mr. Redding the Senate repaired to the Hall of the House of Representatives, for the purpose of proceeding to the election of State House officers and State Printer, set apart for this day.

After being seated the General Assembly proceeded to the election of a Secretary of State, when on taking the vote *viva voce*, it appeared that Nathan C. Barnett, Esq., of the county of Baldwin, was duly elected.

The General Assembly then proceeded to the election of a Comptroller General, when on taking the vote *viva voce*, it appeared that J. T. Burns, Esq., of the county of Chattooga, was duly elected.

They then proceeded to the election of a Treasurer, when on taking the vote *viva voce*, it appeared that John Jones Esq., of the county of Baldwin, was duly elected.

They then proceeded to the election of a State Printer, when on taking the vote *viva voce*, it appeared that J. W. Burke, Esq., of the county of Bibb, was duly elected.

The business of the joint session being concluded, on motion the Senate returned to their chamber.

On motion the Senate adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the resolution relative to the relief of the Banks of this State.

Mr. Thornton offered the following as a substitute, which was adopted in lieu of the original, to-wit :

*Resolved by the Senate and House of Representatives, That all suits now commenced, or which may be instituted in any Court of this State, against any corporation bank of the same, stand continued until the final adjournment of the present General Assembly.*

The resolution as amended was agreed to.

On motion the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives, together with the Senate bill incorporating the Chattahoochee Mining Company.

On motion the rules were suspended, and the Senate took up the amendments of the House to the bill of the Senate, to regulate the testimony of Freedmen, in this State.

On motion of Mr. Moore, the amendments were concurred in.

On motion, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the rules were suspended, and Mr. Kenan reported the following resolution :

WHEREAS, it is one of the privileges if not duties, of the General Assembly, convened under circumstances so peculiarly interesting and important to the future of Georgia and her people, now that it is about to adjourn over its session, for a brief period, not to do so until it shall have given some expression of its high appreciation of the President of the United States, through whose justice and magnanimity, and through whose regard for the Constitutional rights of the States, civil government has again been put in motion at the Capital of this State, therefore be it

*Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That in Andrew Johnson, the Chief Magistrate of the American Republic, Georgia in her recent past, while jealous to a power she could not successfully resist, and in her present condition moving onward in the work of reconstruction, has felt a sustaining arm, and will ever be grateful for the generous clemency extended by him to her people, the magnanimity displayed therein; and the determined will that says to a still hostile faction of her recent foes, "thus far shalt thou go, and no farther, peace, be still!"*

On motion of Mr. Kenan, the rules were suspended, the resolution was taken up, read, and agreed to.

On motion the rules were suspended, and the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

Mr. O. P. Bell reported the following resolution :

*Resolved, That a committee of two from the Senate and three from the House of Representatives, be appointed to wait upon His Excellency the Governor, and to inform him that both branches of the General Assembly are now ready to adjourn, and to enquire if he had any further communications to make.*

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

The committee appointed under the above, consists of Messrs. Carter and Moore.

On motion the rules were suspended, and the Secretary was directed to transmit the resolution forthwith to the House of Representatives.

The following Message was received from the House of Representatives by Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives has passed a bill to change the place of holding the Superior and Inferior Courts and Court of Ordinary of Bartow county, until a Court House is built.

Also has concurred in the Senate amendment to a Resolution authorizing the Treasurer to make certain advances, &c.

Also, has passed a bill to be entitled an act to make free persons of color competent witnesses in the Courts of this State, in certain cases therein mentioned, and to authorize the making and declaring the force of affidavits, by them in certain cases.

Also, resolution relative to adjournment.

The following Message was received from the House of Representatives, by Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives has agreed to the Senate "resolution in reference to the President of the United States".

The following Message was received from the House of Representatives, by Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives has concurred in a resolution agreed to by the Senate, in the following words, to-wit:

*Resolved*, by the Senate and House of Representatives that all suits now commenced, or which may be instituted in any Court of this State against any incorporated Bank of the same, stand continued until the final adjournment of the present General Assembly.

Also, have passed a resolution appointing a committee of three on the part of the House, to unite with two on the part of the Senate, to wait upon His Excellency the Governor to inform him that both branches of the General Assembly are now ready to adjourn, and to inquire if he has any communication to make, have appointed as the committee on their part, Messrs. Barnes, Peeples and Frazer.

Mr. Kenan moved that a committee of two be appointed and allowed three days to bring up the unfinished business, which motion was agreed to.

The committee appointed under the above, consists of Messrs. Kenan and Butler.

Mr. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, an act to make free persons of color competent witnesses in the Courts of this State, in certain cases therein mentioned,

and to authorize the making and declaring the force of affidavits by them in certain cases.

Also, a resolution in reference to continuance of cases against the banks of this State.

Mr. Charles H. Smith, from the committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House and ready for the signature of the President of the Senate, the following resolution, to-wit :

A resolution in reference to selling the debris of the Georgia Military Institute.

Mr. Carter, from the committee appointed to wait on His Excellency the Governor, and inform him that both branches of the General Assembly were now ready to adjourn, and to know of him if he had any communications to make, reported that they had discharged that duty and were instructed to inform the Senate that the Governor had no communication to lay before them.

On motion, the Senate then adjourned until the 15th of January 1866, at 12 o'clock, M.



MONDAY, JANUARY 15TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brooks.

Upon a call of the roll, a quorum was ascertained to be present.

The resignation of Mr. G. W. Anderson, Doorkeeper of the Senate, was read, and accepted.

On motion of Mr. Strozier, the Senate adjourned until to-morrow morning at 10 o'clock.

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TUESDAY, JANUARY 16TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

On motion, the rules were suspended, and Mr. Gresham reported the following Resolution :

*Resolved*, That a Committee of two be appointed on the part of the Senate to join such Committee as may be appointed on the part of the House of Representatives, to wait upon his Excellency, the Governor, and to notify him that both branches of the General Assembly have convened, and a quorum of each being present, they are now ready to receive any communication he may have to make.

On motion, the rules were suspended, and the Resolution was taken up, read, and adopted.

The Committee appointed under the above Resolution, consists of Messrs. Gresham and Thornton.

On motion, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Daley introduced a bill to repeal the 5th Paragraph of the 85th section, part 1st, title 3rd, chapter 3rd, of the Code ; which was read the first time.

Also, a bill to establish the seal to be used in the office of the Secretary of State ; which was read the first time.

Mr. Gresham introduced a bill to sell the lands belonging to the State in the Okefenokee Swamp; which was read the first time.

Mr. J. A. W. Johnson introduced a bill to relieve the tax payers of certain Counties; which was read the first time.

Mr. O. L. Smith introduced a bill to add the County of Lowndes to the Brunswick Judicial Circuit; which was read the first time.

Mr. Strozier introduced the following bills, which were read the first time, to-wit:

A bill to authorize the rendition of decrees in Equity in vacation, and to legalize certain decrees already rendered.

Also, a bill to change the time when Justices of the Inferior Court shall draw Juries for the Superior Courts, and to legalize the holding of certain Superior Courts.

Also, a bill to change the line between Worth and Irwin Counties, so as to include No. 30, 2nd District of Irwin, in Worth County.

Mr. Thornton introduced a bill to amend the 4293rd section of the Penal Code; which was read the first time.

Also, a bill to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same; which was read the first time.

On motion of Mr. O. L. Smith, the Senate proceeded to the election of a Door Keeper.

On motion of Mr. Ezzard, Mr. W. H. Roberts, of the County of Baldwin, was chosen Doorkeeper by acclamation, and came forward and was qualified as such.

Mr. Carter reported the following Resolution:

Resolved, That the Senate and House of Representatives will convene in the Hall of the House of Representatives, on Tuesday next, the 23rd inst., at the hour of eleven o'clock, A. M., and proceed to the election of two United States Senators, to fill the unexpired terms respectively of the Hon. Alfred Iverson, and the Hon. Robert Toombs, Senators from this State, and also of two Judges of the Supreme Court of this State, in place of his Excellency the Governor elect, and of the Hon. Richard F. Lyon, whose term has expired.

On motion, the rules were suspended, and the Resolution was taken up.

On motion of Mr. Thornton, that portion in relation to the election of United States Senators, was stricken out.

The Resolution as amended was agreed to.

On motion of Mr. Gresham, the Senate took a recess until 12 o'clock, M.

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12 O'CLOCK, M.

The Senate reassembled.

Mr. Casey reported the following Resolution :

*Whereas*, The people of Georgia, in Convention, and by Legislative action, have in good faith accepted the issue of the late war, and are bound by every principle of honor, and motive of interest, to defend and uphold the Constitution and laws of the United States, and the Government thereof ; and whereas, such is well known to be our fixed and settled determination, we can therefore perceive no good reason for the longer continuance of Military Law, or forces, in our State, except such as may be requisite for a peace establishment, nor can we see the necessity for the seizure and occupancy of private property by the Military authorities,

*Be it therefore Resolved, by the General Assembly of Georgia*, That his Excellency the Governor be requested to communicate to his Excellency the President of the United States, our fixed and unalterable purpose to observe, obey and defend the Constitution and laws of the United States, and the Government thereof, and to maintain by all the power of the State, the supremacy of said laws; and to ask of him if not a withdrawal of the troops of the United States from the State, a surrender of all private property belonging to individuals, and a restriction of the military to the occupation of barracks, forts, and arsenals, or such other quarters as the Government may furnish, after contract and compensation, and further to restrict the military to the management and control of the troops, and the enforcement, (if necessary,) of the laws of the United States as expounded by civil tribunals appointed and established in conformity to law ; and to this end we earnestly invoke the restoration of the privilege of the writ of *Habeas Corpus*.

Mr. Strozier introduced the following bills, which were read the first time, to-wit :

A bill to regulate the pleadings at common law, and to repeal section 3259 and part of section 3529 of the Code.

Also, a bill to reform and point out the mode of selecting Grand and Petit Jurors, and to repeal sections 3822, 3823, and 3837, of the Code of Georgia.

Mr. Gresham, from the Committee appointed upon the part of the Senate to wait upon his Excellency the Governor, and inform him that a quorum of both branches of the General Assembly was present, and that they were

ready to receive any communication he was ready to make, reported that they had performed that duty, and were instructed to inform the Senate that his Excellency the Governor would send in a communication forthwith.

The following message was received from the House of Representatives, by Mr. Waddell the Clerk thereof:

*Mr. President*:—I am directed by the House of Representative to inform the Senate that they have agreed to a Resolution appointing a joint Committee to wait upon his Excellency the Governor, and notify him that both branches of the General Assembly have convened, and a quorum of each being present, they are now ready to receive any communication that he may have to make, and have appointed on the part of the House the Hon's. McWhorter, of Greene, Hockenhull and Rogers.

The following Message was received from his Excellency the Governor, by Mr. Williams, his Secretary, to-wit:

*Mr. President*:—I am directed by the Governor, to deliver to the Senate, a Message, with accompanying documents.

On motion of Mr. O. L. Smith, the Message was taken up and read, as follows:

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, 15TH JAN'Y. 1866. }

*Senators and Representatives*:

Accept my greeting, upon the resumption of your duties, after a brief recess. During that interval, supposed by some to be fraught with peril, although there have occurred, in different localities, shocking exhibitions of crime, we have witnessed no general or concerted disturbance of public tranquility. Doubtless this experience will awaken in all hearts renewed gratitude to, and trust in, an overruling Providence; and encourage persistent effort to recreate, from our recent chaotic condition, social order, and prosperous domestic economy.

Within a week after your adjournment, his Excellency, the President of the United States, was pleased to relieve of his trust his Excellency the late Provisional Governor, and to remit the government of the State of Georgia into the hands of the chosen agents of the people. This was certainly a cheering advance in his restorative policy, and illustrates both the kindness of his purposes, and the wisdom of your patient waiting and prudent action.

During nearly the whole period of your absence from the Capital, the Congress of the United States has likewise been in recess, and there have therefore been no decided demonstrations of the policy that will be pursued by that branch of the Federal Government. But enough has transpired to justify the expectation, that not many months will

elapse before our people will be represented in the Halls of Congress. As surely as the laying of a foundation gives promise of a superstructure, just so surely are we guaranteed an early restoration to all of our rights as members of the American Union.

In popular governments, the highest legislative function is that of framing or altering a written constitution. History furnishes no record of a people, not only permitted, but urgently invited, to participate in the exercise of this high function, actually exercising it, and then arbitrarily denied participation in the ordinary legislation springing out of it. An amendment of the Constitution of the United States has been proposed by the Congress, in the mode prescribed by that instrument, to the Legislatures of the several States, and its adoption depended upon the concurrence of the Legislatures of three fourths of those States. These bodies assumed, *seriatim*, as they came into session, to act upon it; those States which had never separated or attempted to separate themselves from the Union, and whose governments therefore had never suffered disorganization, acting first. A point was reached when a concurrence of the requisite number had not been attained, and possibly might not be. At this juncture, States, situated as was Georgia, were one after another getting again into an organized condition; and their Legislatures, upon their assemblage, were distinctly invited, by Federal authority, to take action upon this very important amendment. Most, if not all of them, among whom was Georgia, not only acted but gave their concurrence. A proclamation has gone forth, announcing formally, that the proposed amendment had been adopted by the Legislatures of three fourths of the States, the names of which are set forth. In this catalogue are embraced Georgia and several other States not recently represented in Congress, but now prepared and desirous to be so represented. Strike their names from the catalogue of the proclamation, and it would have no constitutional basis upon which to rest. If those States be not in the Union, the Federal theory upon which the war was waged is wrong—and they could not rightfully have voted on the adoption of the amendment. Yet their votes were distinctly solicited, have been counted, and have given it the desired sanction.

Shall it be said of a Confederate Republic, that certain States were in the Union for one purpose, and out of it for all others—that whilst invited to participate, and actually participating, in the making of fundamental law, they were incapable of participation in the most trivial act of ordinary legislation—that whilst they, with other States, ordained that certain things be done by the National Legislature, they can have neither part nor lot in the doing of

them? Imagine the criticism upon republican government which such a state of things would evoke from monarchists of the old world. Let us not anticipate this result. It would be too great an outrage upon the excluded States—too disturbing to the self-respect of the actors—too damaging to free institutions—if not too high a crime against them, at least too conspicuous a blunder in the legislation of their chief exemplar. Such an idea may possibly possess the minds of a few persons, having peculiar intellectual and moral idiosyncracies, but surely, will never control the action of the Congress of the United States. Then let us not be so uncharitable as to harbor the suspicion. Being recognised Constitution-makers *for* the Union, we shall be, ere long, legislators *in* the Union. I have said thus much on the subject, because of the disquiet it produces in the public mind, which I would fain aid in allaying.

#### REPORT OF THE COMMISSION.

The Commission appointed by the Convention which met in October last, to prepare for your consideration a code or system of laws for the government and protection of persons recently emancipated from slavery, and for other purposes, have reported, and I transmit a copy of their report herewith. Without dwelling upon its provisions in detail, I take great pleasure in commending it, as a whole, to your most favorable consideration. It is just and liberal, as it should be, to the freedman. It is safe, as it should be, to the citizen. It extends no political rights to the former, but it gives ample security to his rights of person and of property. Like a great majority of the States which never admitted, or have long since abolished slavery, we are wholly averse to investing him with political rights and privileges. For that very reason, we are under the highest conceivable obligation to protect him in his rights of person and property, and to aid, by all just means, his advance in civilization. This aid we gave him, this advance we effected for him, whilst in slavery. Why should it be withheld now? Whilst we insist upon occupying, in relation to those persons, the position of the governing class, let us fully and fairly meet its responsibilities.

With the original report, I also transmit a copy of it with alterations suggested by the commissioners themselves, upon revision. I invoke for the product of their labors careful examination, divested of all lingering prejudices, engendered in a system which has passed from us forever. The commissioners have earned your gratitude, as well as the compensation suggested by the Convention, which it will be your pleasure to make.

#### THE WESTERN AND ATLANTIC RAIL ROAD.

This very valuable item of State property has, as you are well aware, suffered great detriment from the war.

The government of the United States, upon taking possession of it, through the military authorities, made such repairs as were necessary to make it available for their own uses, but these were not of a permanent or substantial character. When delivered to the State authorities in September last, not only was the condition of the road itself bad, but there was an almost entire destitution of rolling stock, machine shops for repairs of locomotives and cars, material to be used in them, ordinary supplies, and fuel. The report of the Superintendent (which will be laid before you as soon as received) will inform you that he purchased of the articles above enumerated from the United States government, upon the terms stated, a very considerable quantity, the cost of which was little short of four hundred thousand dollars. Although this purchase involved the assumption of a large discretion, when it is considered that there was at the time no higher authority emanating from the people which could be consulted—that, without the property purchased, the road, so necessary to commerce and to the supply of the wants of the people, could not have been operated—that it could not have been purchased elsewhere on a credit, and therefore not at all—and that even in its dilapidated state, the road, in the short space of two months, yielded a nett income exceeding one half the amount of the purchases—the wisdom of the act will be fully exemplified.

But large as is this outlay, it falls far short of what must yet be expended to repair the damages, and put the road in a condition to meet the demands upon it in the transportation of passengers and freight. Several of the largest bridges were destroyed and must be rebuilt. Three of the temporary structures erected to supply their places, have been either swept away or greatly damaged by freshets during your recess, so that no trains can now run continuously between Atlanta and Chattanooga. Daily communication in both directions is indeed maintained, but at much trouble and expense, and with greatly diminished income. The night trains are now unavoidably dispensed with. I doubt not you will be admonished by this unfortunate result, of the necessity of making speedily such expenditure as will effectually prevent its recurrence.

The funds necessary to the object must be raised upon the credit of the State. So soon as I am furnished with an estimate of the probable cost, I will lay it before you for consideration. You will, I am persuaded, feel no hesitation in incurring such debt as may be necessary for the purpose, in view of the assurance furnished by its past operations, that the road will soon work out its own redemption, and then resume its suspended function of feeder to your treasury. Nothing now is needed to make it a source of immense revenue, than solid, permanent improvements,

motive capacity corresponding to its position in connecting lines of rail road, and skillful management. All this Georgia can supply, and will, without unnecessary delay, if true to herself.

The last mentioned condition of its success, skillful management, demands present consideration. Although I should derive from it incalculable personal relief, I cannot concur in the suggestion, that the management of this great public interest should be transferred to a Board of Commissioners, to be elected by the people, or by the General Assembly. In discharging the responsible duty of "giving you from time to time information of the state of the Republic, and of recommending to your consideration such measures as I may deem expedient," I shall yield neither to suggestions of morbid delicacy, nor to the fear of being reproached with lust of power. In discussing the relative merits of the present and the proposed schemes for the management of the road, both of which have been brought to the experimental test, the former finds abundant support in the fact, which I think will scarcely be contested, that the greatest success has been achieved under it. But I rest not the argument on this alone. With a Board of Commissioners, you will have divided responsibility, divided counsels, bickerings, criminations and recriminations, and the inevitable loss of respect for the immediately controlling authority. Be that authority vested in one, or in many, he or they exercising it must be so compensated that other avocations may be entirely abandoned, and the whole time given to the work. If there be several inadequately compensated, each will look to some other employment to supply his deficiency of income, and to his associates to supply his deficiency of attention to their joint trust, and thus a great interest will receive little faithful supervision. All cannot be adequately compensated for the yielding of their whole time, without incurring enormous expense. This, however, is the least substantial objection.

It will be conceded that capacity for the management of so vast a business can only be fully ascertained by trial. Whoever may be entrusted with it, or however appointed, should be subject to removal instantaneously that incapacity, or infidelity, was developed; and usually the powers of appointment and removal are placed together. The people, in the nature of things, could not exercise the removing power. The General Assembly are not in session one sixth of time, in an average of years, and when in recess, cannot convene of their own pleasure, and therefore are unfit depositories of the removing power. If this were separated from the appointing power and vested in the Executive, (supposed to be always in place,) difficulties still



tagonisms arising between the Executive and the Legislative Departments, or between the former and the great body of the people, which would be unfortunate. Secondly, vacancies made should be speedily filled, but this could only be done by giving to the Governor the power of appointment for an interval longer or shorter, according to circumstances; and thus by a free exercise of the power of removal, he might at last draw to himself, in a good degree, that of appointment. This, too, would occasion jealousy and dissatisfaction. To my mind it seems abundantly clear, that system is the best, for such an enterprise, which most certainly fixes personal responsibility, and most effectually secures prompt removal, for incapacity, or faithlessness. This is attained by having all the responsibility of superintendence centered in one—and all the responsibility of his appointment and continuance in office, centered in another, himself immediately accountable to the people.

The qualifications for superintendence and management of such a work are by no means common, and cannot be secured without adequate compensation. Lack of qualification cannot be supplied by the mere multiplication of employees. Less than one half the aggregate salaries of five, and but little more than half the aggregate salaries of three commissioners, placed at the lowest rate that would command very moderate ability, would doubtless secure one Superintendent of high capacity. Hoping that the great importance of the subject will be regarded a sufficient reason for giving it so large a space in this communication, I leave it, with the respectful recommendation that very little, if any change be made in the present system, and that the salary of the Superintendent be increased to such extent, as, in your judgment, will secure the highest capacity for the position. I earnestly request early action upon the whole subject, that there may be no unnecessary delay in putting the road on the proper basis.

#### THE PENITENTIARY.

Public opinion seems to have been greatly divided upon the expediency of the Penitentiary system. The burning of several of the buildings appurtenant to that Institution, by the United States' forces in their progress through the State, has furnished its opponents with a favorable opportunity for attack.

The history of punitive justice in the United States, and in Great Britain, from which country our ideas of jurisprudence, civil and penal, have been mainly derived, clearly develops through a series of years, a perceptible recession from sanguinary and degrading punishments. For these have been substituted punishments of decided se-

verity, but redeemed by their connection with reformatory appliances. Chief among them is that of solitary confinement at hard labor, for a term apportioned to the character of the offence. This, which makes the Penitentiary system, has been generally adopted in the States of the Union, and seldom, if ever, abandoned after trial. Its introduction, always makes a very marked change of system, and I am inclined to think that the disappointment so often expressed in Georgia with its results, has been occasioned mainly by unreasonable expectations entertained in its inception. The wit of man can devise no scheme of punitive justice which will prevent the commission of crime—under any system the criminal calendar will increase with increasing population. If the system which has so long existed in Georgia be abandoned, what shall replace it? I am aware of no other suggestion than a return to that which preceded it. About thirty years since, the General Assembly of Georgia made this experiment, but the scenes of the whipping post, and the pillory, and the exhibition in open court of the red hot brand, burning infamy into human flesh, produced in one year such a revulsion of popular feeling, that their immediate successors undid their work, and restored the Penitentiary. It may well be questioned, whether our constituency would *now* look with more equanimity upon such proceedings. In making the change under consideration, the crimes now punishable by confinement in the Penitentiary, must be divided into two classes—the more aggravated added to the list of those entailing capital punishment—the other remitted to the barbarous sanctions of an exploded code. To the latter I have already alluded. In reference to the former, it may be well to consider the probable efficiency of the proposed penalty. Statesmen, jurists, and publicists, of this day, agree in the opinion that certainty, gives more efficacy to punishment, than severity. Where trial by jury prevails, no reliable estimate can be made of the certainty with which any proposed punishment will wait upon crime, without consulting public opinion, regarding its propriety. We are not without some data for the application of this test. The number of crimes now subjected to capital punishment, in Georgia, is comparatively small; yet it is perfectly notorious, (using the mildest form of expression,) that in such cases, the character of the foreseen punishment, marvellously increases the difficulty of satisfying jurors that the accused has committed the crime charged. So evident is that feeling, that your existing code, provides as one test of the qualification of a juror, before he is put upon the accused, the question “*are you conscientiously opposed to capital punishment?*” This test, as all know, excludes from the jury box, many good,

but, as I humbly conceive, sadly mistaken men. I submit whether, in the face of such clear indications of public feeling, it be expedient to swell the list of capital offences, by the addition of minor ones. The horse thief might well prefer to go before the country with the penalty of death impending, rather than with the milder one, affixed by the present code. This view might be extended, but you will readily follow the train of thought.

My recommendation, therefore, is, that instead of abandoning, you address yourselves, with the light of experience, to the work of improving the system. One of its greatest recommendations, theoretically, is that it tends to the reformation of the convict. This merit is wholly denied to it by its opponents. The truth fairly stated, probably is, that in this respect it has accomplished less than was expected. The practical question is, may it not be made to accomplish more? That many convicts will prove utterly incorrigible is to be expected, and in most instances this will be indicated very soon after their admission. These should be subjected to the hardest labor, and to the greatest attainable isolation, thus diminishing their corrupting influence. As regards the less obdurate subjects, it is worthy of consideration whether hope, that great excitant of human action—hope of return to free life, under favorable auspices—hope of shortened imprisonment—hope of mitigation of its severity while it lasts, may not be more freely and more judiciously used as a reforming agent. Has it been sufficiently considered—has it been fairly tested, how far reward in the shape of mitigated punishment, may consist with punishment itself which is meant to be reformatory? Have extraneous good influences such as moral and religious oral teaching, impressive and well directed reading—been applied with sufficient judgment and persistency? The solitary element of the convict's imprisonment is, doubtless, very potent, because very bitter. Its stringent enforcement to restrain bad influence, and to conquer obduracy, would be eminently proper; whilst its judicious relaxation, as a reward of good conduct, and earnest effort at amendment, might be very salutary.

The tendency in such institutions, as in schools for boys, and higher seminaries of learning, is to one unvarying disciplinary course, regardless of difference in traits of character, or in degrees of depravity. It makes the daily administrative routine more easy, and hence the strong temptation to it, but no educator of the young ever achieved distinguished success under it, and prison discipline so conducted, must fail likewise.

Should you determine to adhere to the system, much will have to be done to repair the material injury sustained

by the institution, into which, doubtless, your committees will enquire, as well as into its general management, to which I am as much a stranger as any, and more than many of you.

The question will probably arise, whether if it be continued, it shall be rebuilt here or established anew at some other point. There are certainly advantages in having such an institution at the seat of government, which will readily occur to the reflecting mind, and one great objection heretofore existing to the locality, viz: its inaccessibility, by rail road travel, and transportation, is overcome already, and doubtless it will, ere long, be still more easy of access. There may, however, be advantages, in some other locality, commending it to preference: Of this, you, in your wisdom, will better determine. Should you determine to locate it elsewhere, I respectfully suggest that the present site, with necessary repairs to the buildings, not destroyed, and the addition of others, involving no large expenditure, might be used advantageously, as a labor prison for persons of color convicted of certain crimes. Public works of suitable descriptions, such as the tanning of leather, and the lower and more easily acquired mechanic arts, coming within the purview of the report of the commissioners, herewith transmitted, might be advantageously established there.

By act of the General Assembly, approved December 6th, 1862, the Executive was authorized to establish, in connection with Messrs. Devine, Jones, and Lee, a Card Factory, for the supply of a want sorely felt throughout the State. The connection was formed and the factory established on the Penitentiary grounds. As in the changed circumstances of the country, it will not be desirable to either party to continue the connection, I advise the appointment of an agent or agents, with full authority to settle all matters in account between the parties, and to divide the assets, and make sale of such as may be allotted to the State.

The Penitentiary, if continued in operation, will doubtless need the appropriation of more or less money to extinguish in whole or in part the amount due it by the State as stated in the report of the Principal Keeper, and to which your attention is invited.

#### STATE FINANCES.

The financial condition of the State, demands serious consideration, and wise action. The currency, in the treasury, when hostilities ceased, is utterly worthless. The functions of all officers of the State Government having been, for several months suspended, no tax has been collected, during the political year just ended. The ex-

penses incident to a reorganization of the Government have been, thus far, met by temporary loans, and these are now very nearly exhausted. For all practical purposes the treasury may be said to be empty.

From what has already been said, it is apparent that during the year upon which we have entered, large sums must be expended, in the revival of important interests. In addition to these, the arrears due upon the civil list of the last year, the interest upon the public debt, unpaid for several years, a portion of the principal of that debt, matured, while we have been cut off from connection with the rest of mankind, and the necessary expenses of the Government during the political years 1866 and 1867, must necessarily be provided for. I include the expenses of 1867, because if resort be had to taxation, the usual resource for supporting government, that tax must be imposed and collected in the present year. The arrearages of the past, and the regularly accruing expenses of the present year, can be met only by the sale of valuable property possessed by the State, or by loans predicated on her credit. The former alternative I may dismiss, as an expedient without advocates.

Recourse must, then, be had to the credit of the State, and the practical questions are, to what extent and in what form it shall be used. I accompany this communication with a tabular estimate of money which will be required for the years 1866 and 1867, amounting to \$806,830 for 1866, and \$791,455 for 1867, which I think will admit of no material reduction. Superadding to this sum, so much as you may determine to expend in the reconstruction, and refitting, of the Western & Atlantic Rail Road, and the Penitentiary, and such other appropriations, as it may be your pleasure to make, for the relief of disabled soldiers, for the suffering families of those who fell in the war, which present strong claims upon our humanity and our gratitude, and for any other purposes, you will be enabled clearly to estimate the necessities of the State. We may at once assume that the whole outlay in money which you may determine to make in the political year now current, which will terminate on the first of November next, must be borrowed, unless you not only resort to taxation, but materially advance the payment of the tax.

Looking to the year next ensuing, (1867,) it will be necessary to determine during your present session, whether you will provide for its wants by levying a tax during the present year, or whether you will put that burthen also upon the credit of the State, and give to your constituents, in their reduced circumstances, another year's exemption from State taxation. It must be borne in mind that there is upon the statute book, an unexecuted law, requiring the

payment of a tax in the year recently ended—unexecuted, because of the disorganized condition of the Government. I recommend the remission of this tax, and the imposition of a moderate one to be collected during the latter part of the present year, when the fruits of its operations shall have been partially realised. In the tabular estimate, before referred to, I have for convenient reference set forth a statement, made up from the report of the late Comptroller General—showing what sums different rates per ct. upon the assessed value of property in 1860, (other than slaves,) will yield.

Owing to the late period of your organization, and the circumstances surrounding you in your brief session, no appropriation of money for the civil establishment, in the current year, has been made. The first quarter has very nearly expired, and to meet its demands it will be necessary to appropriate a sufficient sum, before a general appropriation act can be matured, and indeed as quickly as possible, the amount of which can be deducted from the estimates in the general bill.

Discouraging as is the present aspect of our financial affairs, it may safely be affirmed that you may make the embarrassment only temporary. The entire indebtedness of the State, clearly ascertained, including its funded debt, interest upon it in arrear, and the temporary loans effected recently to put the government again in operation, falls short of three millions, five hundred thousand dollars. If to this were added two millions five hundred thousand dollars to repair all reparable damages, and meet present necessities, without imposing heavy burthens upon a people temporarily exhausted by protracted war, the whole amount of indebtedness would be six millions of dollars. The annual interest upon this sum, and the annual appropriations for the support of Government, upon the scale of estimate here presented, would not exceed eight hundred thousand dollars.

From the earnings of the Western and Atlantic Rail Road, put in good working order, and from a tax of one eighth of one per cent, upon the property of our people, (these estimates being put intentionally low,) we may safely calculate on an income of one million and fifty thousand dollars, showing a yearly balance in the Treasury of two hundred and fifty thousand dollars. This annual surplus might be treated as a sinking fund for the public debt, as follows. If the debt be raised to six millions of dollars, (and it may fall considerably short of that amount) the bonds to be hereafter issued, in redemption of those matured within the last four years, and unpaid; in funding the arrears of interest on the funded debt; and to meet the pressing necessities of the State, will amount to three millions four hundred and fifty

six thousand, two hundred and fifty dollars. Two per cent upon this sum, set apart as a sinking fund (accumulative) would amount to sixty-nine thousand one hundred and twenty-five dollars, which, deducted from the annual surplus of two hundred and fifty thousand, would leave one hundred and eighty thousand eight hundred and seventy-five dollars. This sum set apart and applied faithfully to the payment of the bonds now extant, would (as a little calculation will shew) pay their full amount, as they mature, until 1872, when it would extinguish nearly half; leaving about three hundred and seventy thousand dollars to be otherwise provided for, six years hence. That done, the annual surplus would in each year extinguish the maturing debt now existing, and close that account in the year 1881. Meantime the sinking fund provided, as proposed for the newly created debt, if faithfully set apart, and judiciously invested, would silently but surely work out its redemption. One great advantage of the sinking fund is, that it secures confidence, and opens the way for favorable negotiation of the securities for which it may be provided. But another incalculable advantage to the debtor State, is that it distributes the burthen of payment equally over all the years the debt has to run, which, for that reason, can never come, with a stunning shock upon the Treasury, and necessitate a repetition of the borrowing operation. These are matters of calculation, the data for which are found in the Comptroller General's report, except the estimated receipts from the Western and Atlantic Rail Road, in which I have full confidence. If it be thought, sufficient margin has not been left for miscellaneous appropriations, the reply is, that, the annual income will be swelled by items of taxation not taken into the account, and by dividends on rail road stock, owned by the State, also left out, because not immediately available; whilst, by the gradual extinction of the public debt now existing, there will be a corresponding reduction in the amount of interest to be annually paid, leaving each year a larger surplus.

It will have been seen, that it is proposed to meet the over due bonds by issuing other bonds, and, also, to fund the interest in arrear. There is every reason to believe that no difficulty will occur in effecting this negotiation. As evidence of this, I send you, herewith, a copy of a communication from Lewis H. Haslewood, Esq., of London, Chairman of a committee appointed at a meeting of holders of American securities, on which there are arrears of interest. The very liberal proposition is therein made, to fund all the arrears of interest, and the interest to accrue to January 1867 inclusive, into a bonded debt, the sole condition being, that a sinking fund be established of 2 pr. cent pr. annum. The amount of debt represented by Mr. Haslewood, is not

stated, but it is presumed to include all the sterling bonds of the State, which amount to seventy-two thousand dollars, and may embrace others. If foreign creditors be willing to fund not only our interest in arrear on the first of July last, but that accruing within eighteen months thereafter, can it be supposed our home creditors will hesitate to fund that accruing to the 1st inst? Without an adequate sinking fund, you cannot resuscitate, promptly, the fallen credit of your State. With it you can. Unless it be resuscitated, you must either hawk your bonds about the money centers, and sell them at an enormous sacrifice, making a nominal rate of 7 pr. cent, equivalent to from 8 to ten pr. cent, and have your credit always depreciated; or you must greatly reduce your expenses, including salaries, to a standard so low, as to banish from the service of the State, in all departments, citizens of sterling virtue and ability; or you must cause your constituents to groan under a weight of taxation, which, now, they are illy able to bear. To avoid these disastrous alternatives, earnest, decided action is indispensable; and it is high time that Georgia should adopt a judicious, stable, financial system.

I recommend, therefore, *first* that you authorise the Executive, as the necessities of the State may require, *and to that extent only*, to issue bonds of the State, having not less than twenty, nor more than thirty years to run, bearing an interest not exceeding six per cent, for an amount, which added to the existing funded debt, not yet matured, shall not exceed six millions of dollars. *Secondly*, that for the payment of the interest, and for the creation of a sinking fund (accumulative) to discharge the principal of the debt, now proposed to be created, of two per cent per annum on that principal, so much of the annual income of the Western and Atlantic Rail Road as may be necessary, be sacredly pledged, and that this pledge be set forth in the bonds. *Thirdly*, that to the extent of this pledge, all appropriations hitherto made, for State uses and policy, of that income, (not involving the violation of contract,) be repealed.

Should these recommendations meet your approval, it may be necessary to contract short loans, to meet pressing necessities; but these may be extinguished, as longer ones are effected.

#### EDUCATION.

Hitherto the State has aided the cause of education chiefly in two ways, first, by the endowment of a University, and secondly, by setting apart certain funds for distribution among the Counties in aid of common schools. The case of the University is somewhat peculiar but readily understood. Its original permanent endowment was in lands, which, with the consent and approbation of the General



Assembly, the Trustees sold on a credit, taking bonds and mortgages for the purchase money. Subsequently, the State assumed the collection of these securities, and assumed to account to the University for the funds as collected. In liquidation of the resulting transactions, the State transferred to the University, one thousand shares of the Bank of the State of Georgia, owned by her, the par value being one hundred thousand dollars. The trustees were expressly forbidden to sell or in any way dispose of this stock, but were by act of the General Assembly guaranteed perpetually, eight per cent income from the stock ; any overplus that might accrue from annual dividends, enuring to the benefit of the Institution, and any deficit of the eight thousand dollars, the State being pledged to make good. And this has often been done, no special appropriation being made in each instance, but the deficit being always paid at the Treasury by provision of the act authorizing the transfer of the stock, and guaranteeing the annual income from it of eight thousand dollars. This guaranty was doubtless induced by two considerations ; *first*, that, (as the history of the transaction spread upon the statute book shows) the transfer of the stock, was intended as a satisfaction and settlement of money collected by the State on the University Bonds and Mortgages. *Secondly*, because in making the transfer of Bank stock the State assumed to inhibit the sale of it, which would have been unjust, without assurance of a certain annual income beyond all contingency. Deficits of the amount of dividend, and entire failures of dividend have always in good faith been responded to by the State. One of the results of the late war has been, the utter failure of the Bank of the State of Georgia, and the consequent extinction of all possibility of farther dividends. But the obligation of the State remains unimpaired. There are, indeed, annuities, (for so they may be called) in arrear since the Bank ceased to declare dividends. I am not aware of any purpose on the part of the Trustees to urge, at this time of financial embarrassment, any claim for these arrears, and I trust that they will forbear it, for the present. But to the resumption of the payment of the annuity, they are clearly entitled, and without it, cannot keep the University in successful operation. The late Convention, having the history, I have here briefly detailed, fully presented to them, and in view of the importance of the whole subject placed upon the General Assembly, a constitutional obligation, to "*provide for the early resumption of its exercises, (which had been unavoidably suspended) by a permanent endowment of the University.*" Relying upon the annuity of eight thousand dollars, the Trustees have re-opened the Institution, and I have, as you will perceive, in the estimates accompanying this communication, included this item. At as early a day as returning

prosperity will permit, it will doubtless be the pleasure of the General Assembly to make the permanent endowment enjoined by the Convention.

In like manner I have included in the estimates, the sum usually accruing from dividends on Bank stocks, set apart for the purposes of common school education. This like the other, and like the noble charities in behalf of the insane and the blind, is too important, and too sacred a charge to be permitted to languish and die for want of aliment, even in times such as these. I trust the time is not far distant, when much more can and will be done by the State for the education of the masses, and for the relief and comfort of those bereft of the natural senses, or still worse, of reason. Perhaps all we can do now, is to keep these institutions alive that they may hereafter receive proper nurture, and fulfil their missions.

#### LAWS REGULATING INTEREST.

I respectfully invite the attention of the General Assembly to the whole subject of legal interest on money. There is no greater vice in government than governing too much. Undue interference with an individual's use of his property, or with transactions between individuals, wherein each seeks, without covinous practices, to advance his own interest, always affects injuriously the general welfare. Hence, good governments do not seek to fix the prices of articles, either of necessity or of luxury; nor do they attempt to fix the compensation to be paid by one man for the temporary use of another's property. Money, or rather the use of it, is as distinctly a subject of value, and its value is as fluctuating, as the use or occupation of a tenement, or the hire of a horse, or other chattel. Yet while rent and hire are left to be regulated by contracting parties, interest on money is fixed by law, and that law enforced by vindictory sanctions. I am unable to perceive on what principle this difference rests. The usual pretext is, that the restraint is a necessary protection to the needy against the usurer. But does he require it more than another child of want, who can procure no sheltering roof for his family, by reason of the occasional appreciation of rents? Does he require it more than another unfortunate, who, at times, cannot give his family bread by reason of the high price of provisions? Sound political economy and right reason are against all such interferences with prices and values in commercial transactions. There are times when the use of money is worth much more than at others. With us it is rarely worth less than the legal rate of interest, but it is often worth more. The policy of usury laws generally is, to place the legal rate of interest at the lowest point to which, in a series of years, it would go if untrammelled, and

to keep it there, despite the varying relations of demand and supply. Hence, law-abiding capitalists usually prefer other modes of employing money. Active capital, like running water, will always leave an obstructed for an unobstructed channel open to it. But experience proves that usury laws, as a general rule, are only obstructions, in money lending, to conscientious or to cautious men. Their withdrawal, leaves a more open field to the unscrupulous and the daring, enabling them to extort from the borrowing class higher rates than with free competition could be maintained. Thus it appears to me the restraint imposed on this branch of business is not only wrong in principle, but fails to afford the intended protection. There is at this time in Georgia a great want of money. Some need it to revive a suspended business—others to commence a new, in place of an old enterprise, utterly broken up. The capitalist abroad would bring his money here, if he were allowed to charge for its use what it is worth, without incurring forfeiture. It is probably wise, however, for any people to make decided changes in their monetary system gradually.

I suggest for your consideration, the expediency of so modifying the law on this subject as to make seven per cent the legal rate, where interest is chargeable according to law, and no rate fixed by contract; and to provide further, that any rate of interest not exceeding ten per cent, may be established by, and collected under, a contract, for the payment of money. This advance will probably be sufficient to test practically the merit of the proposed change, and it will be easy from this point to recede or advance further, as experience may dictate.

#### INCREASE OF PAUPERISM.

Owing to the sudden emancipation of persons of color, and their consequent deprivation of unfailing provision, hitherto enjoyed, for their wants, whether in infancy, in old age, or in sickness, there will probably be for a time at least a great increase of pauperism. Against its growth from idleness or vice, stringent legal penalties should be directed, and for such cases probably sufficient guards are provided in the new code. But for unavoidable poverty and destitution, involving no degree of criminality, provision must be made. Your constituents, by the very act of emancipation which originates this new burthen, have been in a great degree impoverished, and it is hard that the two evils should simultaneously, in the hour of exhaustion, press upon them. Only a resolute and generous people could bear with equanimity the great loss, and its superadded annual product of loss. But precisely because they are both resolute and generous, they have, with equanimity, realized the fact and its consequences, and intend to do their whole du

ty, social and moral, as well as political. But it is neither necessary nor right that the whole burthen should be thrown upon them.

Pauperism is destitution of accumulated means of subsistence, combined with inability, from physical or mental causes, to produce them; but it only becomes a matter of public concern when no private relief is afforded. As a simple fact, it has always existed among that class, but has never before challenged attention as a social evil. Why this difference? Because under the exploded system, each pauper African had a master who cared for his wants—cared for them well—cared for them cheerfully. How was he enabled to do this, year after year? From the fact that associated with these paupers, as well by ties of consanguinity, as in fetters of bondage, were others capable of remunerative labor. The support of the pauper was nominally a charge upon the master, but he defrayed it from the earnings of the laborer, standing in the same relation to him. Now, his pre-existing relation both to pauper and laborer is annulled. The pauper is no more a charge on him than on the rest of the body politic. The fruits of the laborer's toil are transferred from him to the laborer himself. But the relations of class and of kindred, between the pauper and the laborer, are undisturbed. The questions to be considered in view of the whole subject are, "does the transfer of the fruits of the laborers' toil, discharge them wholly from the burthen of supporting the pauper—the master having lost those fruits upon which the pauper's support was a charge, does it still adhere to him? It appears to me that whether regarded as questions in political economy, or of abstract equity, the answer must be negative.

There is, however, another aspect of the case which must not be overlooked. The abolition of the relation of master and slave, which was a private relation, makes the existing pauperism a matter of public concern, to the relief of which emancipated laborers, as a class, though not exclusively bound, are liable to contribute. I respectfully advise that a moderate capitation tax, such as no individual would feel oppressively, be laid upon each adult person of color, capable of earning wages, and devoted exclusively to the support of paupers, of the same class. I suggest also that the tax collected for this purpose in each county, be paid to and dispensed by the Justices of the Inferior Court of that County, under such rules and regulations as you may choose to prescribe.

#### CLAIM OF COTTON.

In answer to a communication from Prov. Governor Johnson, relative to certain Cotton claimed by the State

of Georgia, and captured in Savannah by the Federal army, Mr. Secretary McCulloch, of the Treasury Department, informs him by a letter; a copy of which accompanies this message, that the State must prosecute her claim in the Court of Claims, U. S. It will be my pleasure to take such action in the case as you may direct.

IMPROVEMENTS TO PUBLIC BUILDINGS, &C.

I transmit herewith a copy of the report of Col. Frobel, Engineer, upon repairs, and improvements, of the public buildings and grounds, to which I invite your careful consideration. Whilst even in public buildings and grounds there may be exhibited culpable extravagance; in useless ornamentation, there is a certain degree of care in preserving, and of taste in beautifying them, the neglect of which is wholly inexcusable. The suggestions of Col. Frobel, and of your committees charged with this subject, will aid you more than any thing I can say.

Whatever of error may be found in the recommendations herein submitted, I trust will be corrected by your superior wisdom, aided by light from the unerring source of all truth. That is our sure reliance, and the best hope of our suffering and struggling constituents.

Respectfully submitted,

CHARLES J. JENKINS.

## APPENDIX.

(No. 1.)

ESTIMATE OF EXPENDITURES FOR YEAR 1866.

Arrears of civil list, 1865, .....	\$ 60,000 00
Due the Penitentiary, .....	18,000 00
Due the Lunatic Asylum, on appro'n, 1865,...	18,375 00
Civil Establishment, 1866, .....	88,600 00
Contingent Fund, 1866, .....	16,000 00
Printing Fund, 1866, .....	25,000 00
Support of paupers, salaries of officers, &c., Lunatic Asylum, ... ..	64,500 00
Support of Academy for the Blind, .. ..	6,000 00
Educational Fund, (common schools,) .....	23,355 00
Annual income guarantied to the University, ..	8,000 00
Balance, estimated expense of the Legisla- ture, .....	75,000 00
Interest on the public debt, ....	154,000 00
Estimated interest to accrue on new debt, ....	150,000 00
Miscellaneous appropriations, .....	100,000 00
	<hr/>
	\$806,830 00

## (No. 2.)

## ESTIMATE OF EXPENDITURES FOR 1867, AND AFTERWARDS.

Civil Establishment,.....	\$ 88,600 00
Contingent Fund,.....	16,000 00
Printing Fund,.....	25,000 00
All expenses of Lunatic Asylum,..	64,500 00
Appropriation to Academy for the Blind,....	6,000 00
Educational Fund, (common schools,).....	23,355 00
Annual income guarantied University,.....	8,000 00
Estimated expenses of General Assembly,....	100,000 00
Estimated interest on Public Debt,...	360,000 00
Miscellaneous appropriations,.....	100,000 00
	<hr/>
	\$791,455 00

## (No. 3.)

## ESTIMATE OF INCOME IN 1867, AND AFTERWARDS.

Nett proceeds from Western & Atlantic Rail Road,.....	\$ 600,000 00
To be raised by ad valorem tax of $\frac{1}{8}$ of 1 per cent,.....	450,000 00
	<hr/>
	\$1,050,000 00

## (No. 4.)

*Table showing results of different rates of taxation, ad valorem, on the assessed value of property, (other than slaves,) in 1860 :*

One half of one per cent. on \$369,627,722,..	\$1,848,139 60
One fourth of one pr. ct. on \$369,627,722,...	924,069 80
One eighth of one pr. ct. on \$369,627,722,...	462,019 90
One tenth of one pr. ct. on \$369,627,722,...	369,627 00
One twelfth of one pr. ct. on \$369,627,722,..	308,023 00

Mr. Redding reported the following Resolution :

*Resolved*, That 200 copies of the Governor's Message, just read, be printed for the use of the Senate.

On motion, the rules were suspended, and the Resolution taken up.

Mr. Strozier moved to amend by adding the words "and accompanying documents," which motion was lost.

The Resolution was agreed to.

Mr. Moore reported the following Resolution :

*Resolved*, That that portion of the Governor's Message relating to the Judiciary, embracing the Code of laws reported by the Commissioners appointed by the Convention, be referred to the standing Committee on the Judiciary ;

that portion relating to the financial condition of the State, to the standing Committee on Finance; that portion relative to the Penitentiary, to the Committee on the Penitentiary; that portion relating to the Freedmen, to the standing Committee on Freedmen; that portion relating to the Western & Atlantic Rail Road, to the standing Committee on Internal Improvements; and so much of it as relates to public Education, be referred to the Committee on Public Education.

On motion of Mr. Moore, the rules were suspended, the Resolution taken up, read, and agreed to.

On motion, 50 copies of the amended Report of the Commissioners appointed by the Convention to draft a Code of laws for the government of freedmen, was ordered to be printed for the use of the Senate.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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### WEDNESDAY, JAN'Y 17TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

The following Message was received from the House of Representatives, through Mr. Waddell, their Clerk:

*Mr. President:*—I am directed to inform the Senate that the House of Representatives have adopted a resolution asking the Secretary of War to revoke a certain order from the War department requiring Federal Soldiers in the name of the Government, to take up all horses and mules found in the possession of citizens, branded U. S. or C. S., and to turn them over to the agents of the Government; in which resolution the House of Representatives ask the concurrence of the Senate.

The Senate took up the report of the committee of the whole on a bill to fix the amount of compensation the Members and Officers of the General Assembly shall receive for their services until otherwise altered by law.

On motion of Mr. Moore, the same was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to change the second section of an act entitled an act to alter and amend the road laws of this State, approved Dec. 19, 1818, so as to extend and define the ages to which persons shall be liable to work upon public roads, assented to Dec'r 4th, 1862.

The report of the Committee was agreed to.

The bill was read the third time and passed.

The Senate took up the resolution requesting his Excellency the Governor to communicate to His Excellency the President of the United States, our fixed and unalterable purpose to observe and obey the laws of the United States, and ask of him a withdrawal of the troops of the United States, and a surrender of all private property, and a restriction of the Military to the occupation of barracks, forts and arsenals ; also, invoking the restoration of the privilege of the writ of *habeas corpus*.

On motion of Mr. Gresham, the same was referred to the committee on the state of the Republic.

On motion of Mr. Thornton, the rules were suspended for the introduction of new matter.

Mr. Thornton introduced the following bills, which were read the first time, to-wit :

A bill to incorporate the Mining, Manufacturing and Improvement company.

Also, a bill to incorporate the American Industrial Agency.

Mr. Strozier introduced a bill to alter and amend section 2247 of the Code, relative to the liability of tenants, which was read the first time.

Mr. Gresham introduced a bill to alter and amend the laws regulating interest in this State, and to establish a conventional rate of interest, which was read the first time.

Mr. Thornton reported the following resolution :

*Resolved by the Senate,* That the Hon. James Johnson, late Provisional Governor of Georgia, be tendered a seat upon the floor of the Senate during his stay at the Capital.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

Mr. Moore reported the following resolution :

*Resolved by the General Assembly,* That the standing committee of the Senate and House of Representatives, on the Judiciary, be constituted a joint committee so far only as to consider the Code of laws reported by the Commissioners appointed by the late Convention of this State.

On motion the rules were suspended and the resolution was taken up, read and agreed to.

On motion of Mr. Moore, the rules were further suspended, and the Secretary was ordered to transmit the same forthwith to the House of Representatives.

The Senate took up the resolution of the House of Representatives, asking the Secretary of War to revoke a certain



order from the War Department, requiring Federal Soldiers in the name of the Government, to take up all horses and mules found in the possession of citizens branded U. S. or C. S., and to turn them over to the agents of the government.

On motion the resolution was concurred in.

On motion of Mr. Gresham, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The following bills were read the second time and severally referred to the Judiciary committee, to-wit :

A bill to repeal the 5th paragraph of the 85th section, part 1st, title 3rd, chapter 3rd, of the Code.

A bill to add the county of Lowndes to the Brunswick Judicial Circuit.

A bill to authorize the rendition of decrees in equity in vacation and to legalize certain decrees already rendered.

A bill to change the time when the Justices of the Inferior Court may draw Juries for the Superior Courts and to legalize the holdings of certain Superior Courts.

A bill to regulate pleadings at common law and to repeal section 3259 and part of section 3529 of the Code.

A bill to reform and point out the mode of selecting Grand and Petit Jurors, and to repeal sections 3822, 3823, and 3837, of the Code of Georgia.

A bill to prevent the illegal seizure, detention or removal of property in this State, and to prescribe the punishment for the same.

The following bill was read the second time and referred to the committee on the State of the Republic, to-wit :

A bill to establish the seal to be used in the office of the Secretary of State.

The following bill was read the second time and referred to the committee on Internal Improvements, to-wit :

A bill to sell the lands belonging to the State in the Okefenokee Swamp.

The following bill was read the second time and referred to the Finance committee, to-wit :

A bill to relieve the Tax-payers of certain counties.

The following bill was read the second time and referred to the committee on new counties, to-wit :

A bill to change the line between Worth and Irwin counties, so as to include No. 30, 2nd District of Irwin, in Worth county.

The following bill was read the second time and referred to the committee on the Penitentiary, to-wit :

A bill to alter and amend the 4293rd section of the Penal Code.

The following bill of the House of Representatives was read the second time, to-wit :

A bill to amend the several acts of force in relation to the City of West Point, in Troup county, and to grant to the Mayor and Aldermen of said City additional powers, and to define the same.

Mr. O. P. Beall introduced a bill to allow all persons in this State who were maimed in the late war, to peddle and vend goods, wares and merchandize, in any county in this State, under certain restrictions therein provided, which was read the first time.

Mr. Ezzard reported the following resolution :

*Resolved*, That the committee on Education, be instructed to take into consideration the utility and practicability of reviving a common school system, with leave to report by bill or otherwise.

On motion, the rules were suspended and the resolution was taken up, read and agreed to.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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THURSDAY, JANUARY 18TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Casey reported the following Resolution :

WHEREAS, The State of Georgia has, by solemn Convention, as well as by legislative enactment, accepted in good faith the issues of the late war; and whereas, a condition incident to this state of things by the conversion of slave into free labor, has thrown upon the market a competition of labor; and whereas, recognizing the right of the free man of color to make his own contracts, and to hold the other party bound to the faithful performance of his portion of the contract, and have thrown open to him the Courts of the State as a protection, Therefore, be it

*Resolved, by the Senate and House of Representatives, in General Assembly met*, That from and after the passage of this Resolution, until otherwise provided by law, all contracts made or to be made between the white man and the freedmen shall be held good and binding on both parties, according to the grants and specifications therein provided.

On motion of Mr. Casey, the rules were suspended and the Resolution was taken up, read, and agreed to.

On motion, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that the House has concurred in the Senate Resolution constituting the Judiciary Committees of the Senate and House, a joint Committee, so far only as to consider the Report of the Commissioners appointed by the late Convention, to draft a Code of Laws.

Mr. Daley reported the following Resolution :

*Resolved*, That 200 additional copies of the Code of Laws prepared by the Commissioners, for the government of the freedmen, be printed for the use of the Senate.

Mr. Fuller introduced a bill to authorize Dr. H. L. W. Craig, of the County of Wilcox, and all other persons similarly situated, to practice medicine in this State, without a license, and for other purposes ; which was read the first time.

Also, a bill to change, define, and make permanent the County line between Irwin and Wilcox Counties ; which was read the first time.

Mr. J. A. W. Johnson, introduced the following bills, which were read the first time, to-wit :

A bill requiring certain criminal proceedings to be *not prossed*.

Also, a bill to amend the charter of the Dalton and Jacksonville Rail Road Company, and acts passed in relation to the same.

Mr. McDaniel introduced a bill to repeal an act entitled an act to amend the charter of the Macon & Western Rail Road, assented to December 14th, 1863.

Also, an act to amend an act to amend the charter of the Macon & Western Rail Road, assented to December 14th, 1863, assented to March 19th, 1864 ; which was read the first time.

Mr. Mims introduced a bill to change the place of holding elections and Justices' Courts, in and for the 260th District of Scriven County ; which was read the first time.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled, signed by the Speaker of the House, and ready for the signature of the President of the Senate, a Resolution asking the Secretary of War to revoke

a certain order from the War Department, requiring Federal soldiers, in the name of the Government, to take up all horses and mules found in the possession of citizens, branded U. S. or C. S., and to turn them over to the agents of the Government.

Also, a Resolution instructing the Inferior Courts of the several Counties of this State to report the number of destitute widows, orphans, and disabled soldiers.

Mr. Ezzard reported the following Resolution :

*Resolved*, That the Committee on the state of the Republic be instructed to prepare and report a bill providing for taking the census during the present year.

On motion of Mr. Daley the rules were suspended and the Senate took up the Resolution authorizing the printing of 200 additional copies of the Report of the Commissioners.

On motion of Mr. Daley, the Resolution was agreed to.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following Report :

*Mr. President* :—The Judiciary Committee, to whom were referred sundry bills, have had the same under consideration, and have directed me to report thereon, as follows :

A bill to be entitled an Act to give the several Justices Courts of this State jurisdiction in all cases sounding in damages, when the amount claimed does not exceed fifty dollars ; which they recommend do pass.

Also, a bill to be entitled an act to authorize and empower the Judges of the Superior Courts of this State to hold special terms for the trial of criminals, and for other purposes ; which they recommend do pass.

Also, a bill to be entitled an Act to allow Clerks of the Superior and Inferior Courts of this State to practice law in all the Courts of this State, except the Courts in which they are officers ; which the Committee propose to amend by inserting the words "who have been or may hereafter be legally licensed to plead and practice law," to come in after the word "State," in the sixth line of the first section, and to amend further by striking out all of said section after the word "except" in the second line from the bottom and inserting in lieu thereof, the words "the different Courts of the County in which he shall have been elected "Clerk," and with these amendments, they recommend its passage.

Also, a bill to be entitled an Act to incorporate Gazelle Fire Company, No. 4., and Gazelle Hose Company, No. 4, for the encouragement of the members, and for other purposes ; which the Committee recommend do not pass, be-

cause they believe it repugnant to the first clause of the sixth section of Article second, of the Constitution of this State.

Also, a bill to be entitled an Act for the encouragement of Richmond Fire Company, No. 7, and for other purposes; which they recommend do not pass.

B. B. MOORE, Chairman.

Mr. Thornton, from the Committee on the state of the Republic, to whom was referred a bill to establish the seal to be used in the office of the Secretary of State, reported that they have had the same under consideration, and report it back with the recommendation that the same do pass.

On motion the rules were suspended and Mr. J. A. W. Johnson introduced a bill to incorporate the Georgia Express Company; which was read the first time.

On motion of Mr. Strozier leave of absence was granted to Mr. Wilcox, until Monday next.

The Senate took up the report of the Committee of the whole on a bill to establish the seal to be used in the office of the Secretary of State.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to authorize and empower the Judges of the Superior Courts of this State to hold special terms for the trial of criminals, and other purposes.

The Judiciary Committee, to whom this bill was referred, recommend that it be passed.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to allow Clerks of the Superior and Inferior Courts of this State to practice law in all the Courts of this State, except the Courts in which they are officers.

The Judiciary Committee, to whom this bill was referred, proposed to amend the first section, by inserting after the word "State" in the sixth line, the words "who have been or may hereafter be legally licensed to plead and practice law," and to further amend the same section by striking out all after the word "except" in the 2nd line from the bottom, and inserting in lieu thereof the words "the different Courts of the County in which he shall have been elected Clerk," and with these amendments recommend that the same do pass.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the

whole on a bill to give the several Justices' Courts of this State jurisdiction in all cases sounding in damages when the amount claimed does not exceed fifty dollars.

Mr. Carter moved to amend the first section after the word "damages" in the 5th line, by inserting the words "that is in all actions on the case for frauds or deceits, torts, and trespasses, and also all actions of trover," also to amend by inserting after the word "claimed," in the sixth line, the words "article or thing valued." Also, to amend further by inserting after the words "Superior Courts," the words "except that no pleadings shall be necessary more than a statement on the magistrate's docket, of the names of the parties, the nature of the action, and if for damages, the amount claimed, and the time and place of the wrong doing, and if for the recovery of a specific thing, a description thereof, which entry on the docket shall be copied in the summons before service, on the defendant."

Mr. Daley moved to postpone the bill indefinitely, which motion was lost.

On motion of Mr. Thornton, the bill with the amendments proposed, was referred back to the Judiciary Committee.

The following message was received from the House of Representatives by Mr. Waddell, their Clerk :

*Mr. President* :—I am directed by the House of Representatives to inform the Senate that the House has adopted a Resolution requesting the Governor to ask of his Excellency the President of the United States, if not the withdrawal of the United States troops, a surrender of private property, and restoration of the writ of *Habeas Corpus*.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have passed the following bills, and ordered them to be transmitted forthwith to the Senate :

A bill to be entitled an act to authorize the Phoenix Loan and Building Association, and the Union Loan and Building Association, of Atlanta, Ga., to resume business and carry on or close up said Associations.

A bill to be entitled an act to repeal an act entitled an act to alter and amend an act to incorporate the city of Americus, and to alter and amend an act to incorporate the town of Americus, in the County of Sumter, and for other purposes, assented to December 17th, 1861.

The Senate took up the report of the Committee of the whole on a bill of the House to incorporate Gazelle Fire Company, No. 4, and Gazelle Hose Company, No. 4, for the encouragement of their members, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to the passage of the bill.

The report of the Committee was disagreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the House bill for the encouragement of Richmond Fire Company, No. 7, and for other purposes.

The Judiciary Committee, to whom this bill was referred reported adversely to its passage.

The report of the Committee was disagreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the several acts of force in relation to the city of West Point, in Troup County, and to grant to the Mayor and Aldermen of said city additional powers, and to define the same.

Mr. Thornton moved to strike out the words "United States," in the first section, which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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#### FRIDAY, JANUARY 19TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Moore moved to reconsider so much of the Journal of yesterday, as relates to the passage of the bill of the House, to incorporate Gazelle Fire Co. No. 4, and Gazelle Hose Co. No. 4, for the encouragement of their members, and for other purposes, which motion was lost.

The following message was received from the House of Representatives, by Mr. Waddell, their Clerk:

*Mr. President:*—The House of Representatives have passed the following bills, and respectfully request the concurrence of the Senate therein :

A bill to be entitled an act to fix the times of holding the Supreme Court of this State, and for other purposes.

A bill to be entitled an act to amend and alter section 4321 of the Code of Georgia.

A bill to be entitled an act to amend section 4564 of the Code of Georgia.

A bill to be entitled an act to amend 3984 and 2985 sections of the Code of Georgia.

A bill to be entitled an act to change the place of hold-

ing the Justice's Court in the 97th District of Washington county.

A bill to be entitled an act to enable the Inferior Court of the several counties in this State, to raise a fund to pay the indebtedness of the several counties, and for other purposes.

A bill to be entitled an act to extend the corporate limits of the town of Forsyth, Monroe co., Ga., and for other purposes.

A bill to be entitled an act to legalize the issue of bills and bonds by the Mayor and Council of the city of Atlanta.

A bill to be entitled an act to carry into effect the 3rd paragraph, 1st section, 4th article, of the Constitution of Georgia, and to provide the mode of carrying cases from city Courts of Savannah and Augusta, and other like Courts hereafter established, and for other purposes.

A bill to be entitled an act to amend an act incorporating the town of Quitman, Brooks co., Ga., and to confer additional powers upon the Commissioners of said town, and to prescribe qualifications of officers and voters of said town.

Mr. Redding, from the committee on the Penitentiary, made the following report :

*Mr. President* :—The committee on the Penitentiary, to whom the bill entitled “an act to alter and amend the 4293 section of the penal code” was referred, have had the same under consideration, and direct me to report it back to the Senate, respectfully suggesting, that it be referred to the committee on the Judiciary.

The “bill to be entitled an act for the abolition of the State Penitentiary, the disposition of the assets of said Institution, and the convicts now imprisoned therein,” your committee have also had under consideration, and direct me to report it back, with the recommendation that it do pass.

A. W. REDDING,

Chm'n Committee.

On motion, the rules were suspended, and Mr. Thornton introduced the following resolution :

*Resolved by the Senate and House of Representatives*, That His Excellency, the Governor, be requested to call upon the several Banks of this State, to make a return of their condition, conformable to the law now existing, and that the same be returned within ten days, and that the Governor be further requested to transmit said report to the General Assembly when received.

On motion of Mr. Thornton, the rules were suspended, and the resolution was taken up, read and agreed to.

On motion, the rules were suspended, and Mr. Mimms reported the following resolution :



*Whereas*, It appears by the message of his Excellency, the Governor, that in order to obtain proper redress, it is necessary for the State of Georgia to prosecute her claim in the Court of Claims of the United States, for cotton claimed as belonging to this State, and lately captured by the Federal army,

*Be it therefore resolved by the General Assembly*, That His Excellency, the Governor, be and he is hereby authorized and requested to employ a suitable agent or agents, and attorney or attorneys, to institute in the said Court of Claims, such proceedings as may be necessary, and to prosecute in behalf of the State said claim, to its final completion, whenever, in his judgment, it may be considered proper to do so.

On motion of Mr. Mimms, the rules were suspended, and the resolution was taken up.

On motion of Mr. Gresham, the same was referred to the committee on Finance.

The Senate took up the report of the committee of the whole on a bill for the abolition of the State Penitentiary, the disposition of the assets of said Institution, and convicts now confined therein.

The committee on the Penitentiary, to whom this bill was referred, recommend that the same do pass.

Mr. Strozier moved that the bill be made the special order for Monday next, which motion was lost.

On motion, the same was made the special order for Wednesday next.

Mr. Strozier moved that 50 copies of the same be printed for the use of the Senate, which motion was lost.

The Senate took up the report of the committee of the whole on a bill to alter and amend the 4293 section of the penal code.

On motion of Mr. Redding, the same was referred to the Judiciary Committee.

Mr. Brown, from the committee on new counties and county lines, reported that the committee have had under consideration "a bill to be entitled an act to change the line between Worth and Irwin counties, so as to include No. 30, 2nd Dist. of Irwin, in Worth county," and recommend that the bill be passed.

Mr. Moore, chairman of the committee on the Judiciary, submitted the following report:

*Mr. President*:—The Judiciary Committee have had under consideration certain bills, which were referred to them, and have instructed me to report thereon, as follows:

A bill to be entitled an act to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same, which they recommend be passed. Also,

A bill to be entitled an act to regulate pleadings at common law, and to repeal section 3259, and part of section 3529, of the Code, which they recommend do not pass. Also,

A bill to be entitled an act to reform and point out the mode of selecting Grand and Petit Jurors, and to repeal sections 3822, 3823, and 3837, of the Code of Georgia, which they recommend do not pass. Also,

A bill to be entitled an act to repeal the 5th paragraph of the 85th section, part 1st, title 3rd, chap. 3rd, of the Code, which they recommend do not pass. Also,

A bill to be entitled an act to authorize the rendition of decrees in equity in vacation, and to legalize certain decrees already rendered, which they recommend be passed. Also,

A bill to be entitled an act to exempt from levy and sale certain property of every debtor, and to repeal the 2013th and 2017th sections of the Code of Georgia, in lieu of which, the committee recommend the passage of a substitute, which is a bill to be entitled an act to alter and amend sections 2013 and 2017 of the Code of Georgia, in relation to the exemption of certain property of debtors from levy and sale. Also,

A bill to be entitled an act to change the time when the Justices of the Inferior Court must draw Juries for the Superior Courts, and to legalize the holding of certain Superior Courts, which they recommend be passed.

The bill to be entitled an act to give to the several Justices Courts of this State jurisdiction in all cases sounding in damages, when the amount claimed does not exceed fifty dollars, which was referred to the committee, has been considered by them a second time. They have attached to it sundry amendments, which they propose to incorporate in it; but believing the main object of the bill would be unwise legislation at this time, I am directed to report against its passage.

B. B. MOORE,  
Chairman.

The chairman of the committee on enrollment reported as duly enrolled, and ready for the signature of the President of the Senate, "a resolution in reference to the publication of a revised edition of the Code of Georgia, by David Irwin."

The following bills were read the second time, to-wit:

A bill to alter and amend section 2247 of the Code, relative to the liability of tenants.

A bill to alter and amend the laws regulating interest in this State, and to establish a conventional rate of interest.

A bill to change the place of holding elections and Justices' Courts in and for the 260th District of Screven co.

A bill to repeal an act entitled an act to amend the charter of the Macon and Western Rail Road, assented to Dec. 14th, 1863. Also, an act to amend an act to amend the charter of the Macon and Western Rail Road, assented to Dec. 14th, 1863, assented to March 19th, 1864.

On motion, the same was referred to the committee on Internal Improvements.

The following bills were read the second time, and severally referred to the committee on new counties and county lines, to-wit :

A bill to change the county line between the counties of Lee and Terrell ; to add a portion of the county of Lee to the county of Terrell, and for other purposes.

A bill to change, define and make permanent the county line between Irwin and Wilcox counties.

The following bills were read the second time, and severally referred to the committee on Internal Improvements, to-wit :

A bill to incorporate the Mining, Manufacturing and Improvement Co.

A bill to amend the charter of the Dalton and Jacksonville Rail Road Company, and acts passed in relation to the same.

The following bills were read the second time, and severally referred to the Judiciary Committee, to-wit :

A bill to incorporate the American Industrial Agency.

A bill to allow all persons in this State, who were maimed in the late war, to peddle and vend goods, wares and merchandize, in any county in this State, under certain restrictions therein provided.

A bill to authorize Dr. H. L. W. Craig, of the county of Wilcox, similarly situated, to practice medicine in this State without a license, and for other purposes.

A bill requiring certain criminal prosecutions to be "*not pros'd.*"

A bill to incorporate the Georgia Express Co.

The Senate took up the resolution of the House, requesting of the President of the United States, if not a withdrawal of the troops, a surrender of private property, and the restoration of the writ of Habeas Corpus.

On motion of Mr. O. L. Smith, the resolution was concurred in.

The following bills of the House of Representatives were read the first time, to-wit :

A bill to fix the times of holding the Supreme Court of this State, and for other purposes.

A bill to amend and alter section 4321 of the Code of Georgia.

A bill to amend section 4564 of the Code of Georgia.

A bill to amend the 3984th and 3985th sections of the Code of Georgia.

A bill to carry into effect a portion of the third paragraph of the first section of the fourth article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the City Courts of the cities of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes.

A bill to repeal an act entitled an act to alter and amend an act to incorporate the city of Americus, and alter and amend an act to incorporate the town of Americus, in the county of Sumpter, and for other purposes, assented to December 17th, 1861.

A bill to change the place of holding the Justices Court in the 97th District of Washington co.

A bill to enable the Inferior Court of the several counties in this State, to raise a fund to pay off the indebtedness of the several counties, and for other purposes.

A bill to extend the corporate limits of the town of Forsyth, Monroe co., Ga., to increase the powers of the Commissioners thereof as to taxes, and the enforcement of fines and penalties.

A bill to authorize the Phœnix Loan and Building Association, and the Union Loan and Building Association, of Atlanta, Ga., to resume business and carry on or close up said associations.

A bill to legalize the issue of bills and bonds by the Mayor and Council of the city of Atlanta.

A bill to amend an act incorporating the town of Quitman, Brooks county, and confer additional power upon the Commissioners of said town, and to prescribe qualifications of officers and voters of said town.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, JAN'Y 20TH, 1866.

The Senate met pursuant to adjournment and was opened with prayer.

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President:*—The House of Representatives have passed the following bills :

A bill to be entitled an act to prescribe the oath to be administered to voters for Members of the General Assembly, Governor of this State, Members of Congress, and County Officers.

A bill to be entitled an act to suspend the operation of section fifteen hundred and twenty-eight of the Code of Georgia, in certain counties.

A bill to be entitled an act to repeal an act approved December 12th, 1863, amendatory of the 1st clause of 2480th section of the revised Code of Georgia.

A bill to be entitled an act for the relief of the Savannah Mutual Loan Association.

A bill to be entitled an act to amend section 3452 of the Code of Georgia.

A bill to be entitled an act to authorize persons, who are unable to work, to retail spirituous liquors and peddle, without paying license, and for other purposes.

A bill to be entitled an act to amend the 3188 and 3189 sections of the Code of Georgia, and for other purposes.

A bill to be entitled an act to appoint certain persons herein named, Trustees of the Knoxville Camp Ground, Crawford county, Georgia, and to vest certain powers in them.

Also, a resolution to appoint a committee of three from the House and two from the Senate, to take into consideration that portion of the Governor's Message in reference to the State's interest in the Card Factory.

Mr. Thornton, from the committee on the State of the Republic, to whom was referred a resolution requesting the President of the United States, if not a withdrawal of the troops, a surrender of all private property and a restoration of the privilege of the writ of *habeas corpus*, reported that they have had the same under consideration, and as the same had been passed by the House of Representatives, they recommend its indefinite postponement.

Mr. O. P. Beall introduced a bill to alter and amend sections 585, 594, 602, and to repeal section 588 of the Code of Georgia, which was read the first time.

Mr. Black presented a memorial in reference to the divorce of John Ethridge and Nancy Ethridge, of Macon county, which was referred to the committee on Petitions, without being read.

Mr. Brown introduced a bill to amend the 4270th section, 4th division, part 4th, title 1st, of the Penal Code, which was read the first time.

Mr. Butler introduced a bill to carry into effect the 9th clause of section first, article 5th of the Constitution of this State, in reference to the marriage relation between white persons and persons of African descent, which was read the first time.

Mr. Carter introduced a bill to authorize the use of the water power on the reserve at Indian Spring, with the priv-

ilege of building saw and grist mills thereon, which was read the first time.

Mr. Ezzard reported the following resolution :

*Resolved*, That the committee on Freedmen be directed to report by bill or otherwise what amendment of the Patrol laws is rendered necessary by the emancipation of the people of color.

Mr. Manson introduced a bill to authorize Freedmen to marry persons of color in this State, which was read the first time.

Mr. McDaniell introduced a bill for the relief of John Long, John B. Bailey, John Bodahan, and Thomas Bonner, Sen'r, which was read the first time.

Mr. Turner introduced a bill for the relief of Arthur Hutchinson of the county of Campbell, and others, similarly situated against fi fas caused to be issued by Tax Collectors of any county in certain cases, which was read the first time.

Mr. Moore introduced a bill for the prevention of vagrancy, which was read the first time.

On motion of Mr. Brown 150 copies of the same was ordered to be printed for the use of the Senate.

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk :

*Mr. President*:—The House of Representatives have adopted the following resolutions and ordered them transmitted forthwith to the Senate :

A resolution requesting the President of the U. S. to have the mails resumed in Southern and Southern Eastern Georgia.

Also, a resolution requesting the Governor to intercede with the President for the restoration of property on Wilmington, Whitmarsh, and Skiddiaway Islands, to its lawful owners.

The following Message was received from the House of Representatives by Mr. Waddell, their Clerk :

*Mr. President* :—I am instructed to inform the Senate that the House of Representatives have elected the Hon. E. H. Pottle of the county of Warren, Speaker *pro tempore* ; the Hon. Thos. Hardeman being absent on account of indisposition.

The Senate took up the report of the committee of the whole on a bill to exempt from levy and sale certain property of every debtor, and to repeal the 2013th and 2017th sections of the Code of Georgia.

The Judiciary committee to whom this bill was referred, reported the following as a substitute, to-wit :

A bill to be entitled an act to alter and amend sections 2013 and 2017 of the Code of Georgia in relation to the exemption of certain property of Debtors from levy and sale.

Section 1. *The General Assembly of the State of Georgia do enact*, That the section 2013 of the Code of this State be so amended that the quantity of land of any debtor exempted from levy and sale, shall be one hundred acres and five additional acres for each of his or her children, under the age of sixteen years. This land shall include the dwelling house, if the value of such house and improvements does not exceed the sum of eight hundred dollars, or in lieu of such land and improvements real estate in any City town or village not exceeding fifteen hundred dollars, shall be exempted. The amount of provisions to be exempted shall be one hundred dollars worth, and ten dollars worth for each child.

Sect. 2. *Be it further enacted*, That 2017 be amended by inserting fifteen hundred for five hundred dollars.

Sect. 3. Any donation or reward to the debtor for meritorious services shall likewise be exempted.

Sect. 4. The library of professional men in actual practice shall be and the same is hereby exempted from levy and sale.

Sect 5. All laws and parts of laws militating against this act be and the same are hereby repealed.

On motion of Mr. Butler, the bill and substitute was made the special order for Tuesday next, and 150 copies ordered to be printed for the use of the Senate.

The Senate took up the report of the committee of the whole on a bill to repeal the 5th paragraph of the 85th section, part 1st, title third, chapter third, of the Code.

The Judiciary committee to whom this bill was referred reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on a bill to authorize the rendition of decrees in equity in vacation, and to legalize certain decrees already rendered.

The Judiciary committee to whom this bill was referred recommend that the same do pass.

The report of the committee was agreed to.

The bill was read the third time and passed.

On motion of Mr. Thornton, the rules were suspended, and the Senate took up the resolution of the House, request-

ing His Excellency the Governor, to communicate to the President of the United States the distressed condition of the owners of real estate on Wilmington and other Islands.

Mr. Bedford moved to strike out the words "where such persons have been pardoned under the provisions of the President's proclamation, or by special Executive pardon", which was agreed to.

The resolution as amended, was concurred in.

On motion of Mr. J. A. W. Johnson, the rules were further suspended, and the Senate took up the resolution of the House, appointing a committee of three from the House and two from the Senate, to take into consideration that part of the Governor's Message, relative to the State's interest in the Card factory.

On motion the same was concurred in.

The committee appointed under the above resolution consists of Messrs. J. A. W. Johnson and Kenan.

The Senate took up the report of the committee of the whole on a bill to give to the several Justices Courts of this State, jurisdiction sounding in damages where the amount claimed does not exceed fifty dollars.

The Judiciary committee to whom this bill was referred, having had the same under consideration the second time, offered certain amendments, but reported adversely to its passage.

On motion of Mr. Moore, the bill with the amendments, was laid on the table for the present.

Mr. Smith, Chairman of the committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and attested by the Clerk of the same, the following resolutions and acts:

Resolution authorizing His Excellency the Governor to borrow upon the faith and credit of the State, the sum of one hundred thousand dollars.

Also, an act for the encouragement of Richmond Fire Company number seven, and for other purposes.

Also, an act to incorporate Gazelle Fire company number four, for the encouragement of their members, and for other purposes.

Also, an act to amend the several acts of force in relation to the City of West Point in Troup county, and to grant to the Mayor and Aldermen of said City, additional powers and to define the same.

The Senate took up the report of the committee of the whole on a bill to change the time when the Justices of the



Inferior Court may draw Juries for the Superior Courts and to legalize the holding of certain Superior Courts.

The Judiciary committee to whom this bill was referred, recommend that it be passed.

The report was agreed to.

The bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to change the line between Worth and Irwin counties, so as to include number 30, 2nd District of Irwin, in Worth county.

The committee on new Counties and County lines, to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to.

The bill was read the third time and passed.

The Senate took up the report of the committee of the whole on a bill to prevent the illegal seizure, detention or removal of property in this State, and to prescribe the punishment for the same.

The Judiciary committee to whom this bill was referred reported favorably to the passage of the same.

On motion the bill was laid on the table for the present.

The Senate took up the report of the committee of the whole on a bill to regulate pleadings at common law and to repeal section 3259, and part of section 3529 of the Code.

The Judiciary committee to whom this bill was referred recommended that the same do not pass.

The report of the committee was agreed to, and the bill was lost.

Leave of absence was granted to Mr. Freeman for a few days. Also, to Mr. Griffin, until Monday next.

The Senate took up the report of the committee of the whole on a bill to reform and point out the mode of selecting Grand and Petit Jurors, and repeal sections 3822, 3823, and 3837 of the Code of Georgia.

The Judiciary committee to whom this bill was referred, reported adversely to its passage.

On motion the bill was laid on the table for the balance of the Session.

The Senate took up the report of the committee of the whole on a bill to alter and amend section 2247 of the Code, relative to the liability of Tenants.

The report was agreed to the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill to alter and amend the laws regulating interest in this State, and to establish a conventional rate of interest.

Mr. Butler moved to amend by striking out "ten" and insert "12½ per centum"

Mr. Carter moved to amend the amendment by striking out the words "10 per cent or any conventional interest", and insert "any amount agreed to be paid as interest".

On motion of Mr. O. L. Smith, the question was divided, and the Senate refused to strike out.

Mr. Carter moved to lay the bill on the table, which motion was lost.

Mr. Carter moved to refer the bill to the Judiciary Committee, which motion was lost.

Mr. Thornton offered the following as an additional section to-wit :

*Be it further enacted, That on all contracts on which more than ten per cent per annum shall be reserved no interest shall be collected.*

Mr. Kenan moved that the Senate adjourn until Monday morning at 10 o'clock.

Mr. Thornton moved that the Senate adjourn until Monday morning at 11 o'clock, which motion was lost.

The Senate then adjourned until Monday morning at 10 o'clock.

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MONDAY, JANUARY 22ND, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Carter gave notice that he would move to reconsider so much of the Journal of Saturday as relates to the rejection of certain amendments offered by himself and Mr. Butler, to the bill regulating interest and establishing a conventional rate of interest.

The Senate took up the unfinished business of Saturday, which was the amendment offered by Mr. Thornton to the bill to amend the laws regulating interest in this State, and to establish a conventional rate of interest.

On motion of Mr. Kenan, the Senate postponed the consideration of the same for the present.

Mr. Moore, Chairman of the Committee on the Judiciary made the following Report :

*Mr. President* :—The Judiciary Committee to whom were referred certain bills, have had the same under consideration, and have instructed me to report thereon, as follows :

A bill to be entitled an act to incorporate the Georgia Express Company, which they propose to amend as follows : 1st, add to 7th section the words “reserving to the Legislature the right to prescribe at any future time the rates of such charges,” 2nd, strike out eighth section, 3rd, strike out tenth section, and insert in lieu thereof, the following :

*Be it further enacted*, That the private property of each stockholder in said Company, equal to the amount of his stock, shall be liable for the debts of said Company.

4th, From eleventh section strike out “and this shall be deemed a public act,” and insert the words “but the Legislature hereby retains the right to repeal, alter or modify this charter at any time in future, when, in the opinion of the General Assembly, the interests of the State, or the public good require it,” and with the adoption of these amendments, the Committee recommend that the bill be passed.

Also, a bill to be entitled an act to allow all persons in this State, who were maimed in the late war, to peddle and vend goods, wares, and merchandize, in any County in this State, under certain restrictions therein provided, which the Committee propose to amend by striking out “and Confederate States,” in the first section, also to insert the words “for one year,” in same section between the word “State,” and the word “*provided*”; also amend the second section by striking out “two dollars,” and inserting “one dollar,” and lastly to amend the same section by adding to it these words “and no other charge shall be made for said license.” With the foregoing amendments, the Committee recommend the passage of the bill.

Also, a bill to be entitled an act to alter paragraphs 4598 and 4607 of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act requiring certain criminal prosecutions to be *not prossed*, which they recommend do pass.

Also, a bill to be entitled an act to authorize Silas Rawles, of the County of Emanuel, to peddle in this State without a license ; which the committee recommend do not pass, because it is obnoxious to the 15th clause of the 1st Art of the Constitution of the State.

Also, a bill to be entitled an act to authorize H. L. W. Craig, of the County of Wilcox, and all other persons similarly situated, to practice medicine in this State without a

license, and for other purposes, which the Committee recommend do pass.

B. B. MOORE, Chairman.

On motion of Mr. O. L. Smith, Mr. Butler was added to the Committee on Education.

On motion of Mr. J. F. Johnson, Mr. J. A. W. Johnson was added to the Judiciary Committee.

The Senate took up the report of the Committee of the whole on a bill to change the place of holding elections and Justices Courts in and for the 260th District of Scriven County.

On motion of Mr. Mims the bill was withdrawn.

Mr. Strozier, from the Committee on Internal Improvements, to whom the hereinafter bills were referred, have, in their order, had the same under consideration, and have directed me to report upon the same, as follows :

First, a bill to be entitled an act to amend the charter of the Dalton and Jacksonville Rail Road Company, and all acts passed in relation to the same, which bill I am directed to report back without amendment, and recommend that it do pass.

Second, a bill to be entitled an Act to sell the lands belonging to the State in the Okefenokee Swamp, direct me to report said bill back without amendment, and recommend that it do not pass.

Third, a bill to be entitled an act to amend the charter of the Macon & Western Rail Road, assented to the 14th day of December, 1863, also an act to amend the charter of the Macon & Western Rail Road, assented to the 19th day of March, 1864; direct me to report the same back without amendment, and recommend that it do pass.

Fourth, a bill to be entitled an act to incorporate the Manufacturing and Improvement Company; direct me to report the same back with sundry amendments, 1st, by striking out all after the word provided in the latter clause of the first section, and insert the following: That said Company shall first obtain a charter from the General Assembly, for said Railroad or Railroads, also, by striking out all the latter clause of the second section, which is in the following words: when the sums due or to become due on the respective shares shall have been paid, such owners shall not be liable for any further payment on account thereof.

Third amendment; amend by striking out all the fourth section, and inserting the following: Reserving to the General Assembly the right to modify, alter, or amend said charter.

With these amendments recommend the passage of the same.

Mr. Smith, chairman of the Enrolling Committee, reported as duly enrolled, and signed by the Speaker of the House of Representatives, the following Resolution :

A Resolution requesting of the President of the United States, if not a withdrawal of troops, a surrender of private property, and the restoration of the writ of *Habeas Corpus*.

The Senate took up the report of the Committee of the whole on a bill to authorize Silas Rawles, of the County of Emanuel, to peddle in this State without a license.

The Judiciary Committee, to whom this bill was referred, reported adversely to the passage of the same.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of Committee of the whole on a bill to alter paragraph four thousand five hundred and ninety-eight, and four thousand six hundred and seven of the Code of Georgia.

The Judiciary Committee, to whom the bill was referred, recommend that the same do pass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to allow all persons in this State who were maimed in the late war to peddle and vend goods, wares and merchandize, in any County of this State, under certain restrictions therein provided.

The Judiciary Committee proposed to amend by striking out "and Confederate States," also, to insert the words "for one year," in same section, to come in after the words "County of this State," and before the word "provided," also to amend the second section by striking out "two dollars" for Clerk's fee, and insert "one dollar," also, to amend same section by adding the words "and no other charge shall be made for said license," and with these amendments they recommend its passage.

The amendments were agreed to.

Mr. Butler moved to amend further by inserting after the word "avocation" in the first section, the words "and widows and orphans of such as are dead," which motion was agreed to.

On motion of Mr. Strozier, the bill was postponed for the present.

The Senate took up the report of the Committee of the whole on a bill to sell the lands belonging to the State in the Okefenokee Swamp.

The Committee on Internal Improvements, to whom this bill was referred, reported adversely to its passage.

On motion of Mr. Gresham, the bill was laid on the table for the present.

The Senate took up the report of the Committee of the whole on a bill to authorize Dr. H. L. W. Craig, of the County of Wilcox, and other persons similarly situated, to practice medicine in this State without a license, and for other purposes.

The Judiciary Committee, to whom the bill was referred, recommend that it be passed.

On motion of Mr. Casey, the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on a bill requiring certain criminal prosecutions to be *not prossed*.

The Judiciary Committee, to whom the bill was referred, reported favorably to its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to repeal an act entitled an act to amend the charter of the Macon & Western Rail Road, assented to December 14th, 1863, also an act to amend the charter of the Macon & Western Rail Road, assented to March 19th, 1864.

The Committee on Internal Improvements, to whom the bill was referred, recommend that the same do pass.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to amend the charter of the Dalton and Jacksonville Rail Road Company, and acts passed in relation to the same.

The Committee on Internal Improvements reported favorably to the passage of the same, without amendment.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the unfinished business of Saturday, which was the consideration of the amendment offered by Mr. Thornton to the bill to alter and amend the laws regulating interest in this State, and to establish a conventional rate of interest.

Mr. Carter moved to reconsider the action of the Senate, so far as relates to the rejection of certain amendments submitted by Mr. Butler and himself, which motion was lost.

Mr. Thornton's amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 25, nays 16.

Those voting in the affirmative are Messrs :

Barwick, Black, Boynton, Brown, Butler, Casey, Daley, Dickey, Ezzard, Freeman, Fuller, Gresham. Johnson, J. A. W., Johnson, J. F., Kenan, Manson, McDaniel, Mims, Moore, Overstreet, Parris, Russell, Smith, C. H., Smith, O. L., Strickland, Thornton.

Those voting in the negative, are Messrs :

Bedford, Beall, O. P., Bell, W. R., Bower, Carter, Crawford, England, Gholston, Owens, Quillian, Redding, Simmons, Strozier, Turner, Wileox.

So the bill was passed.

The Senate took up the report of the Committee of the whole on a bill to incorporate the Georgia Express Company.

The Judiciary Committee, to whom this bill was referred, proposed the following amendments, which were agreed to, to-wit:

To add the following to the 7th section: "reserving to the Legislature the right to prescribe at any future time the rates of such charges." Also to strike out the 8th section. Also to strike out the 10th section, and insert the following in lieu thereof, as follows:

Sec. 10th, *Be it further enacted*, That the private property of each stockholder in said Company, equal to the amount of his stock, shall be liable for the debts of said Company.

Also to strike out in the 11th section the words "and this shall be deemed a public act," and insert the following: "but the Legislature hereby reserves the right to repeal, alter, or modify this charter, at any time in future, when, in the opinion of the General Assembly, the interests of the State or the public good require it."

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill to incorporate the Mining and Manufacturing Company.

The Committee on Internal Improvements to whom this bill was referred, reported the following amendments, to-wit: 1st, By striking out all after the word "provided" in the latter clause of the first section, and inserting the following: "That said Company shall first obtain a charter from the General Assembly for said Rail Road or Rail Roads," also, by striking out all the latter clause of the second section, which is in the following words: "When the sums due or to become due on the respective shares shall have been paid, such owners shall not be liable for any

further payment on account thereof." Also, to strike out out all of the 4th section, and insert the following "reserving to the General Assembly the right to modify, alter or amend said charter;" and with these amendments they recommend that the same do pass.

On motion of Mr. Thornton, the bill was laid on the table for the present.

The following bills were read the second time and severally referred to the joint Committee on the Judiciary, to-wit :

A bill for the prevention of vagrancy.

A bill to carry into effect the 9th clause of section 1st, article 5th, of the Constitution of this State, in reference to the marriage relation between white persons and persons of African descent.

The following bill was read the second time, and referred to the Committee on New Counties and County Lines, to-wit :

A bill to alter and amend sections 585, 594, 602, and to repeal section 588 of the Code of Georgia.

The following bills were read the second time and referred to the Judiciary Committee, to-wit :

A bill to amend the 4270th section, 4th division, part 4th, title 1st, penal code.

A bill to authorize the use of the water power on the Reserve at Indian Spring, with the privilege of building saw and grist mills thereon.

A bill to authorize freedmen to marry persons of color in this State.

A bill for the relief of John Long, John B. Bailey, John Bonahan, and Thomas Bonner, Sr.

A bill for the relief of Arthur Hutchison, of the County of Campbell, and others similarly situated, against tax *fi fas*, caused to be issued by Tax Collectors in any County, in certain cases.

The following bills of the House of Representatives, were read the first time, to-wit :

A bill to amend the 3188th and 3189th sections of the Code of Georgia, and for other purposes.

A bill to amend section 3452 of the Code of Georgia.

A bill to prescribe the oath to be administered to voters for members of the General Assembly, Governor of this State, Members of Congress, and County Officers.

A bill to appoint certain persons herein named, trustees of the Knoxville Camp Ground, Crawford County, Georgia, and to vest certain powers in them.

A bill to repeal an act approved December 12th, 1863, amendatory of the first clause of the 2480th section of the revised Code of Georgia.



A bill to suspend the operation of section 1528 of the Code of Georgia, in certain Counties.

A bill for the relief of the Savannah Mutual Loan Association.

A bill to authorize persons who are unable to work, to retail spirituous liquors, and peddle without license fee, and for other purposes.

The Senate took up the Resolution of the House requesting the President of the United States to have the mail route resumed over the Atlantic & Gulf Rail Road.

Mr. Gresham moved to strike out the words "Governor Jenkins," and insert "his Excellency, the Governor," which motion was agreed to.

The Resolution as amended was concurred in.

Mr. Butler submitted a memorial from certain persons on the subject of Public Education, which was referred to the Committee on Education, without being read.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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TUESDAY, JANUARY 23RD, 1866.

The Senate met pursuant to adjournment, and was opened with prayer, by the Rev. Mr. Yarborough.

Mr. Owens gave notice that he would move to reconsider so much of the Journal of yesterday as relates to the passage of the bill regulating interest, and to establish a conventional rate of interest.

Mr. Moore moved that the Secretary in future dispense with the reading of the reports of committees on reading of the Journal, which motion was agreed to.

By permission of the Senate, Mr. Kenan was allowed to change his vote, given in the negative, on the bill regulating interest and to establish a conventional rate of interest.

Leave of absence was granted to Mr. O. P. Beall for a few days after to-morrow, on important business.

The following Message was received from the House of Representatives, by Mr. Waddell, their Clerk:

*Mr. President:*—The House of Representatives have passed the following bills, and respectfully request the concurrence of the Senate therein :

A bill to be entitled an act to repeal all laws heretofore passed by the General Assembly of the State of Georgia,

prohibiting the distillation of corn, wheat, potatoes, rye, &c., into spirituous liquors.

A bill to be entitled an act to authorize the Justices of the Inferior Court of Elbert county Georgia, to levy and collect a Tax for county purposes.

A bill entitled an act granting certain privileges therein named, to the people living near the Western & Atlantic R. R.

A bill to be entitled an act to repeal an act assented to Dec'r 10th 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said town, and to give the town Council of said town certain powers therein-after specified.

Mr. Owens moved to reconsider so much of the Journal of yesterday as relates to the passage of the bill regulating interest and to establish a conventional rate of interest, which motion was lost.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, the following resolution :

Resolution to appoint a committee of three from the House, and two from the Senate, to take into consideration that part of the Governor's Message, which relates to the State's interest in the Card Factory.

Also, a resolution authorizing the appointment of a joint committee to inquire into the present condition of the Executive Mansion,

The committee on Finance, to whom was referred a letter from H. McCulloch, Secretary of the Treasury, in relation to Cotton captured by the Federal Army, have had the same under consideration, and recommend the adoption of the following resolution, to-wit :

A resolution to authorize the Governor to prosecute the claim of this State, for cotton, lately captured by the Federal Army.

CHARLES H. SMITH,  
Chairman joint Finance Committee.

Mr. Brown, from the committee on new counties and county lines, submitted the following report :

The committee have had under consideration a bill to change the county line between the counties of Lee and Terrell ; to add a portion of the county of Lee to the county of Terrell, and for other purposes.

Also, a bill to change, define, and make permanent, the county line between Irwin and Wilcox.

Both of which the committee recommend do pass.

The Chairman of the committee on Petitions made the following report :

*Mr. President* :—The committee on Petitions, to whom was referred a memorial from John Ethridge, of the county of Macon, praying the General Assembly to divorce him from his wife Nancy Ethridge, have had the same under consideration, and direct me to report against granting the prayer of the memorialist, on the grounds of his having a remedy by application to the Superior Court of his county.

Respectfully submitted,

O. P. BEALL, Chairman.

Mr. Bedford introduced a bill for the stay of Execution on verdicts hereafter obtained, and for other purposes, which was read the first time.

Mr. Crawford introduced a bill to amend the charter of the town of Athens, which was read the first time.

Mr. Daley introduced a bill to amend the 2466th paragraph, part 2nd, title 6th, chapter 3rd, of the Code, which was read the first time.

Mr. Gholston introduced a bill for the relief of maimed soldiers of the State of Georgia, and for other purposes, which was read the first time.

Mr. J. F. Johnson introduced a bill to incorporate the Atlanta Street Rail Road Company, and for other purposes, which was read the first time.

Mr. Owens introduced the following bills, which were read the first time, to-wit :

A bill to repeal the 3778th section of the Code of this State, and to substitute another section therefor.

Also, a bill to incorporate the Savannah Steamboat Company.

Mr. McDaniel introduced a bill to compensate Ordinaries and Clerks of the Superior Courts for administering amnesty oaths, which was read the first time.

Mr. C. H. Smith introduced a bill to incorporate the Planter's Loan Association, which was read the first time.

Mr. Butler introduced a bill to incorporate the Savings Bank of Augusta, which was read the first time.

The Senate took up the special order, which was the consideration of the report of the committee of the whole on the bill to exempt from levy and sale certain property of every debtor, and to repeal the 2013th and 2017th sections of the Code of Georgia.

The Judiciary committee, to whom this bill was referred, reported the following as a substitute, to-wit :

A bill to be entitled an act to alter and amend sections 2013 and 2017 of the Code of Georgia, in relation to the exemption of certain property of debtors from levy and sale.

Section 1. *The General Assembly of the State of Georgia do enact*, That the section 2013 of the Code of this State be so amended, that the quantity of land of every debtor exempted from levy and sale shall be one hundred acres, and five additional acres for each of his or her children under the age of sixteen years. This land shall include the dwelling house if the value of such house and improvements does not exceed the sum of eight hundred dollars, or in lieu of such land and improvements, real estate in any city, town or village, not exceeding fifteen hundred dollars, shall be exempted. The amount of provisions to be exempted shall be one hundred dollars worth, and ten dollars worth for each child.

Sec. 2nd, *Be it further enacted*, That section 2017 be amended by inserting fifteen hundred, for five hundred dollars.

Sec. 3rd, Any donation or reward to the debtor for meritorious services shall likewise be exempted.

Sec. 4th, The library of professional men in actual practice, shall be, and the same is hereby exempted from levy and sale.

Sec. 5th, All laws and parts of laws militating against this act, be and the same are hereby repealed.

The motion to receive the substitute was lost.

Mr. Daley moved the following as an amendment, which motion was lost:

Section 1st, *The General Assembly of the State of Georgia do enact*, That the quantity of land of every debtor exempted from levy and sale, shall be the homestead of such debtor to include the dwelling house, the out-houses and farm attached thereto, not to exceed the value of two thousand dollars, or in lieu of such land and improvements, real estate in any city, town or village, not to exceed the value of two thousand dollars.

The report of the committee was agreed to.

Mr. Bedford moved to recommit the bill, which motion was agreed to.

On motion of Mr. J. A. W. Johuson the bill was referred back to the Judiciary committee.

On motion the rules were suspended, and Mr. Redding introduced a bill to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties, to contracts made but not executed, and to authorize settlements of such contracts by persons

acting in a fiduciary character, which was read the first time.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY, JANUARY 24TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

On motion, the rules were suspended, and the Senate took up the resolution authorizing the Governor to prosecute the claim of this State for cotton captured by the Federal Army.

Mr. J. A. W. Johnson moved to strike out the word "captured" and insert the word "seized", which motion was agreed to.

The resolution as amended was agreed to.

Mr. Moore, Chairman of the committee on the Judiciary made the following report :

*Mr. President:*—The committee on the Judiciary, whom was referred a bill to be entitled an act for the relief of the Executors of Mary A. West deceased, on certain conditions therein named, with instructions to report a general bill on the subject, have reconsidered the same, and direct me to report that they affirm their first report against the passage of the bill, and their inability to offer any general bill, granting the relief sought, which in the opinion of the committee would not be more properly a subject matter for Judicial action than Legislative interposition.

The same committee have also considered a bill to be entitled an act to suspend the collecting law of this State until the 1st day of January 1868, except in certain cases therein provided.

A bill to be entitled an act to prescribe the mode for collecting debts and for the relief of the people.

And a bill to be entitled an act for the relief of the people of this State, for which the committee propose a substitute ; which is a bill to be entitled an act to stay execution and other processes, and which they recommend do pass in lieu of said original bills.

The committee have also considered a bill to be entitled an act to amend the 2541st section of the Code of Georgia in reference to advancements, and the mode of estimating the value of the same, which they recommend do not pass.

Also, a bill to be entitled an act to amend the 42701

section, 4th division, part 4th, title 1st of the Penal Code, which they recommend do not pass.

And a bill to be entitled an act for the relief of Arthur Hutchison of the county of Campbell, and others similarly situated, against tax *fiyas* caused to be issued by tax collectors of any county in certain cases, which they recommend do not pass.

B. B. MOORE, Chairman.

The following Message was received from the House of Representatives, through Mr. Waddell, their Clerk :

*Mr. President:*—I am instructed to inform the Senate that the House of Representatives have adopted a substitute to the Senate "resolution bringing on the election of two Judges of the Supreme Court", and the same is ordered to be transmitted forthwith to the Senate for their concurrence therein.

Also, the House have concurred in the Senate amendment to the House "resolution requesting the Governor to intercede with the President for the restoration of property on Whitmarsh, Wilmington, Skidaway, Sapelo, and all other Islands, to its lawful owners", &c.

On motion the rules were suspended, and Mr. Butler reported the following resolution :

*Resolved*, That L. C. Bleckley and Samuel Barnett Esqrs. Commissioners appointed under resolution of the late Convention to report a Code of laws, be invited to seats upon the floor of the Senate, during their stay at the Capital.

On motion, the rules were suspended and the resolution was taken up, read and agreed to.

The rules being suspended, Mr. Butler reported the following resolution :

*Resolved*, That the Judiciary committee be instructed to inquire into the best mode of providing for the old, infirm and helpless free persons of color in this State, and report by bill or otherwise.

The rules being further suspended, Mr. O. L. Smith reported the following resolution :

WHEREAS, The Congress of the United States did, by a bill assented to August 5th, 1861, levy a direct tax of \$20,000,000 on the United States, and whereas the quota of said tax assessed on Georgia is \$584,367.33, no part of which has been paid, therefore,

*Resolved*, That the Finance committee be instructed to inquire whether such tax shall be assumed and provided for by the State or levied on and collected from the people.

On motion of Mr. Moore, the rules were further suspended.

ed, and the Senate took up the report of the committee of the whole on a bill to require persons owning land in this State in Counties in which they do not reside, to register their names and residence, together with the number of their land, the district and section in which it is located, in the Clerk's office of the Superior Court in the county where the land lies.

The Judiciary committee to whom this bill was referred, report the following bill as a substitute, to-wit :

A bill to be entitled an act to amend the tax laws of this State and to define the duties of the Receivers of tax returns, and the Comptroller General, in certain cases.

Section 1. *The General Assembly of the State of Georgia do enact*, That it shall be the duty of the receiver of Tax returns of each county in this State, to require each and every person giving in his or her taxable property, to designate the number, district and section of each lot of land so given in, and it shall further be his duty then to forward to the Comptroller General the number of each lot of land in his county which has not been returned for taxes by any person in the county, and it shall be the duty of the Comptroller General to allow said Receiver of tax returns no commissions until the said duties are performed.

Sec. 2. *Be it further enacted by the authority aforesaid*, That the Comptroller General upon the receipt of the several returns of the tax receivers of the State, shall compare the same and ascertain what lot or lots of land have not been returned for taxes in each county in this State, and shall then forward to the receivers of tax returns of the several counties a list of all the land in his county designated by lot, which has not been returned for taxes.

Sec. 3. *Be it further enacted*, That each receiver of tax returns shall upon the reception of such list from the Comptroller General proceed forthwith to assess said land at a fair valuation upon the best information he can obtain and to return said assessment to the tax collector of the county, the amount so assessed to be collected as the other taxes in this State are collected, *Provided*, that any land sold for taxes under the provisions of this act, may be redeemed by the owner thereof at any time within two years from the date of sale upon the payment to the purchaser of the amount paid by him with all cost and interest thereon, at the rate of ten per cent per annum.

Sec. 4. *Be it further enacted*, That all laws and parts of laws militating against this act be and the same are hereby repealed.

On motion, of Mr. Moore, the bill and substitute were referred to the Finance committee.

The Senate took up the special order, which was the re-

port of the committee of the whole, on the bill for the abolition of the State Penitentiary, pending the consideration of which, Mr. Bedford moved that the Senate adjourn until to-morrow morning at 10 o'clock, which motion was lost.

On motion of Mr. Bedford, the bill was laid on the table until to-morrow.

Leave of absence was granted to Mr. Brown on account of indisposition.

On motion, the rules were suspended, and the Senate took up the substitute adopted by the House of Representatives to the resolution of the Senate, bringing on the election of two Judges of the Supreme Court.

Mr. Bower moved to strike out all that portion relating to the election of United States Senators, which motion was lost.

Mr. Thornton moved to strike out the word "Friday" and insert the "15th of Feb'y next".

On motion of Mr. Redding, the question was divided, and the motion to strike out prevailed.

Mr. Butler moved to lay the motion to insert the 15th Feb'y next, on the table, which motion was lost.

The motion to insert was agreed to.

On motion of Mr. O. L. Smith, the resolution was amended by setting apart Friday next for the election of two Judges of the Supreme Court.

The resolution as amended, was concurred in.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

#### THURSDAY, JANUARY 25TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Redding moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the substitute of the House to the Senate resolution, bringing on certain elections, which motion was agreed to.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary, to-wit:

*Mr. President*:—I am directed by the Governor to deliver to the Senate a communication in writing.

The Message was taken up and read as follows:



EXECUTIVE DEPARTMENT, }  
 MILLEDGEVILLE 24TH JAN'Y, 1866. }

*To the Senate and*

*House of Representatives :*

The Constitution limits the number of Secretaries in the Executive Department to two. There are times, (such as the present,) when two are unable to discharge the duties of the office. I have now employed and shall from time to time as circumstances may require, employ a temporary assistant in this office, the authority for which I derive from the seventy-fifth section of the Code. My belief is that it will be necessary to retain the assistant now employed three months, and if the General Assembly would appropriate money to compensate him, for that length of time, at the rate which may be allowed the Secretaries in this department, it would seem to be just and would avoid throwing upon the contingent fund a known item of expenditure. I hope I shall, after the expiration of three months, be able to dispense with such assistance, until the next meeting of the General Assembly. I remark, however, that the reduction of the number of Secretaries to two, throws upon those two at all times a very heavy burthen and would seem to entitle them to higher compensation than was allowed when the labor was distributed among three.

Respectfully submitted,

CHARLES J. JENKINS,

Governor.

Mr. Smith, Chairman of Enrolling committee, reported as duly enrolled and signed by the Speaker *pro tem* of the House of Representatives, and attested by the clerk of the same, a resolution requesting the Governor to intercede with the President, for the restoration of property on Wilmington, Whitmarsh, Skidaway, Sapelo, and all other Islands, to its lawful owners, &c.

The following Message was received from the House of Representatives, through Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have passed the following bills, to-wit :

A bill to alter and amend the 2d and 3rd Congressional Districts, so far as relates to the county of Schley.

A bill to change the line between the counties of Early and Miller.

On motion the rules were suspended, and the Secretary was directed to inform the House of Representatives that the Senate have elected the Hon. B. B. Moore as their President *pro tempore*.

On motion of Mr. Redding, the rules were farther suspended, and the Senate took up the resolution bringing on the election of United States Senators and two Judges of the Supreme Court.

The following was reported by Mr. Moore as a substitute, which was adopted in lieu of the original, to-wit :

*Resolved*, That the General Assembly will convene in the Hall of the House of Representatives on Friday next, at 11 o'clock, A. M., and proceed to elect two Judges of the Supreme Court of this State, the first for a full term of six years, and the other to fill the vacancy occasioned by the election of the Hon. Charles J. Jenkins to the office of Governor, and for the unexpired portion of the term for which he was appointed.

*Resolved further*, That the General Assembly of the State of Georgia will convene in the Representative Hall on Tuesday next, the 30th instant, at 11 o'clock, A. M., and proceed to elect two United States Senators, the first to be chosen for the unexpired term of six years, commencing the 4th day of March 1865, and the other for the unexpired term of six years, commencing the 4th of March 1861.

On motion the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Moore, Chairman of the committee on the Judiciary, made the following report :

*Mr. President* :—The Judiciary committee to whom was referred a bill to be entitled an act to add the county of Lowndes to the Brunswick Judicial Circuit, have had the same under consideration, and instruct me to report against the passage of the bill.

B. B. MOORE, Chairman.

The Senate took up the unfinished business of yesterday, which was the report of the committee of the whole, on the bill for the abolition of the State Penitentiary.

The report of the Committee was agreed to.

The bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 19, nays 22.

Those voting in the affirmative are Messrs.

Black, Crawford, Daley, Dickey, England, Ezzard, Gholston, Griffin, Johnson, J. F., Kenan, Manson, Mims, Overstreet, Quillian, Simmons, Smith, O. L., Thornton, Turner, Wilcox.

Those voting in the negative are Messrs.

Barwick, Bedford, Bell, W. R., Bower, Boynton, Brown,

Butler, Carter, Casey, Freeman, Fuller, Gresham, Johnson, J. A. W., McDaniel, Moore, Owens, Parris, Redding, Russell, Smith, C. H., Strickland, Strozier.

Yeas 19, Nays 22 ; So the bill was lost.

On a call of the roll the following bills were introduced and read the first time :

By Mr. Bower, a bill to amend the 3188th section of the Code of the State of Georgia.

By Mr. Dickey, a bill to incorporate the North Georgia Mining and Manufacturing Company.

By Mr. J. F. Johnson the following resolution :

*Resolved*, That it is the sense of the General Assembly that the change bills issued by the Superintendent of the Western & Atlantic Rail Road, under an act of the Legislature, assented to December 17th 1861, entitled an act to authorize the Superintendent of the Western & Atlantic Rail Road of this State to issue change bills, and for other purposes, and an act assented to April 6th, 1863, entitled an act to make legal the signing of certain change bills issued by the Western & Atlantic Rail Road and signed by William Gresham for the Superintendent of said Road, and to make penal the forging, counterfeiting, altering or issuing the same and for other purposes, should be received in payment of dues to the said Western & Atlantic Rail Road, and the officers of said Road be and they are hereby authorized to receive the same for the purpose aforesaid.

By Mr. Paris, a bill to incorporate the Cherokee Mining and Manufacturing Company.

By Mr. Quillian, a bill to incorporate the Kenesaw Mining Company of Georgia.

Mr. Butler reported the following Resolution :

*Resolved, as the sense of this General Assembly*, That at this time it is inexpedient to make so violent a change in the punishment of crimes, as would necessarily follow the sudden abolition of the Penitentiary system, and the substitution in lieu thereof of the gallows, the branding iron, the lash and cropping,

*Resolved*, That whilst the friends of the Penitentiary system are not able to point to many cases of reformation in those who have been convicts in Georgia, they are impressed with the conviction that if new and ample buildings were erected at a new place, remote from any town or village, with abundant supplies of wood adjacent, and material upon which the labor of the convicts shall be bestowed, as granite, sand stone, or iron ore nearby, the Penitentiary might then be made at such new place, a self-sustaining institution.

instead of continuing to be in the future as it has been in the past, an annual drain upon the Treasury of this State.

*Resolved further*, as the sense of this General Assembly, that by the erection of separate buildings, with properly constructed cells, a thorough classification of offenders, the prevention of all intercourse of such separate classes with each other, and the judicious employment of many of the means of reformation which are used in the best conducted prisons, it is led to believe that much may be done towards the restoration of many of its inmates, returning them to society better men and more obedient to law than they were when first imprisoned.

*Resolved*, That a committee of not more than five persons be appointed by the Governor to examine and recommend some site lying in or nearby the Georgia Rail Road, or the Western & Atlantic Rail Road, or on the Etowah River, for the permanent location of a new Penitentiary to be fixed by the Legislature at its next session, and that said committee are directed to ascertain at what cost the lands necessary to be bought for this purpose, can be purchased, an abstract of the chain of titles of the owners of the land, and also, to procure in writing, and signed by the party offering to sell, his terms, which are to be made subject to the acceptance or approval of the Legislature, at its next session.

*Resolved*, That until a new and permanent site shall have been fixed on, the present Penitentiary buildings at Milledgeville, may be used for temporary confinement there, but no expenditure of money should be made to rebuild the same and only *absolutely necessary repairs permitted*, it being the fixed purpose of the Legislature, that if the Penitentiary system should be continued, it must be at a site more eligible than Milledgeville.

By Mr. C. H. Smith, a bill to incorporate the Home Insurance Company of Atlanta.

By Mr. Griffin, a bill authorizing the Ordinaries of Georgia to issue letters testamentary in certain cases.

The Senate took up the resolution relating to the direct tax levied by the United States upon this State.

On motion the same was agreed to.

The Senate took up the resolution instructing the Judiciary committee to report by bill or otherwise the best mode of providing for the old and infirm free persons of color.

The resolution was agreed to.

The following Message was received from the House of Representatives through Mr. Waddell, their Clerk :

*Mr. President* :—I am instructed to inform the Senate that the House has concurred in the substitute of the Senate to

the substitute of the House to the Senate resolution bringing on certain elections, and I am ordered to transmit the same forthwith to the Senate.

Mr. O. L. Smith, from the committee on enrollment, reports as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives,

A resolution bringing on certain elections therein named.

The Senate took up the report of the committee of the whole on a bill for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named.

The Judiciary committee to whom this bill was re-referred again reported adversely to the passage of the same.

Mr. Boynton offered the following as a substitute, to-wit:

A bill to be entitled an act for the relief of Executors, Administrators, Guardians, Trustees or Agents, who have trust funds in hand bequeathed or given to be laid out or invested in the purchase of negro slaves for the benefit of their wards, on payment of the same in money.

Section 1st, *Be it enacted by the Senate and House of Representatives of the State of Georgia in General Assembly met, and it is hereby enacted by authority of the same,* That Executors, Administrators, Guardians, Trustees or Agents, having trust funds or pecuniary legacies in hand, which have been bequeathed or given by will, deed of gift, or otherwise, with directions of the donor or donors to be laid out or invested in the purchase of negro slaves for the use of legatees, donees or wards, are hereby authorized to pay over such pecuniary legacy or legacies, donations or gifts, in money, to whatever legatee, legatees, donee or donees, or distributees, that may be able to take and receive the same, pursuant to the terms and intentions of the Testator or Testatrix of such wills or donors of such gifts, and upon their so doing, they be discharged from any and all liability relative to such legacy, legacies, gifts or donations,

*Provided,* That nothing in this act shall be so construed as to deprive any legatee or distributee of any right which he or she may have, from applying to the Courts for the adjudication of the rights of the parties.

Sec. 2d, *And be it further enacted by authority of the same,* That all laws and parts of laws militating against this act, be, and the same are hereby repealed.

On motion of Mr. Daley, the bill and substitute were made the special order for Wednesday next.

The Senate took up the report of the committee of the whole, on the following bills, for which the Judiciary committee reported a substitute, and on motion were made the special order for Thursday next, to-wit:

A bill to suspend the collecting law of this State until the first day of January 1868, except in cases therein provided.

Also, a bill to prescribe the mode for collecting debts, and for the relief of the people.

Also, a bill for the relief of the people of this State.

The following is the substitute reported by the committee, to-wit:

A bill to be entitled an act to stay the collection of debts in certain cases.

Section 1st. *Be it enacted by the Senate and House of Representatives in General Assembly met,* That the collection of the principal and interest of all debts heretofore contracted, in cases where the debtors are residents of the State of Georgia, be stayed until the first day of January 1867

Sec. 2nd, *Be it further enacted by the authority aforesaid,* That the collection of seventy-five pr. cent of the principal and interest of said debts be further stayed until the first day of January 1868.

Sec. 3rd, *Be it further enacted,* That the collection of fifty per cent of said debts be further stayed until the first day of January 1869; *Provided,* That nothing herein contained shall be so construed as to prevent creditors from collecting twenty-five per cent of the principal and interest of their debts, in the year 1867, and twenty five per cent more in the year 1868, and the remainder in the year 1869; *And provided further,* That nothing herein contained shall be so construed as to prevent the citizens of Georgia from enforcing the collection of their debts against non-resident debtors, and that this act is not to interfere with the creditor in prosecuting his claims by bail and attachment; but in the latter case, when the proper replevy bond is given, the creditor shall conform to this act and collect by installments, otherwise the creditor may collect the whole debt at once, out of the property attached.

Sec. 4th, *Be it further enacted,* That when any judgment creditor makes affidavit, that the defendant is about to dispose of or remove any personal property to which he claims title, it shall in such case be the duty of the Sheriff, Constable, or other levying officer, at once to levy the judgment or judgments of said creditor, on the personal property of said defendant or defendants; *Provided,* That said defendant or defendants shall have the privilege of replevying said personal property, by giving good security to the levying officer, in double the amount of the debt or debts claimed, for the payment of said debt or debts, or for the forthcoming of the property levied on, at such time and places as the levying officer may designate, in conformity with the installment plan of this act. *Provided further,* That judgment creditors may take out Ca. Sa's upon making affidavit that

the debtor is about to abscond, or is in any way fraudulently withholding the payment of any part of his debts, and the debtor may relieve himself by giving good and sufficient security for the payment of the debt, or by filing a schedule and taking the benefit of the insolvent debtors act.

Sec. 5th, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

The Senate took up the report of the committee of the whole, on a bill to amend the 2541st section of the Code of Georgia, in reference to advancements, and the mode of estimating the value of the same.

The Judiciary committee to whom this bill was referred recommend that the same do not pass.

The report was agreed to and the bill was lost.

The Senate took up the report of the committee of the whole on a bill to add the county of Lowndes to the Brunswick Judicial Circuit.

The Judiciary committee to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to and the bill was lost.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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#### FRIDAY, JANUARY 26TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

The following message was received from the House of Representatives, through Mr. Waddell, their Clerk:

*Mr. President:*—The House have passed the following bills, and respectfully ask the concurrence of the Senate therein, to-wit:

A bill to be entitled an act to authorize and require the Treasurer of this State to make certain advances, and for other purposes.

A bill to be entitled an act to change and fix the time of holding the January Term of the Courts of Ordinary in this State from the 2nd Monday in said month, as now fixed by law, to the 1st Monday in January in each and every year.

A bill to be entitled an act to regulate the rates for transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation thereof.

A bill to be entitled an act to compensate the Petit Jurors of Wilcox County.

A bill to be entitled an act to alter and amend an act entitled an act to incorporate the town of Dawson, in the County of Terrell and State of Georgia.

A bill to be entitled an act to authorize the sale of the "Exile Camp" in Terrell County, Ga., and for other purposes.

A bill to be entitled an act to authorize the Inferior Court of Pulaski County to levy and collect an extra tax for the years 1866, 1867, and 1868, for the purposes of building a Court House and jail in said County, upon recommendation of the Grand Jury of said County.

A bill to be entitled an act to alter and amend section 2102, and paragraph 3rd, of section 1980 of the Code of Georgia.

The Senate took up the report of the Committee of the whole on a bill for the relief of Arthur Hutchinson, of the County of Campbell, and others similarly situated, against tax *fi fas.*, caused to be issued by Tax Collectors of any County, in certain cases.

The Judiciary Committee, to whom this bill was referred, reported adversely to the passage of the same.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on a bill to amend the 4270th section, 4th division, part 4th, title first, of the Penal Code.

On motion the same was laid on the table for the present.

The following message was received from the House of Representatives through Mr. Waddell, their Clerk :

*Mr. President* :—I am instructed to inform the Senate that the House of Representatives are prepared to receive them in the Representative Chamber, for the purpose of proceeding to the election of two Judges of the Supreme Court.

On motion of Mr. Moore, the Senate repaired to the Hall of the House of Representatives, and after being seated, the General Assembly proceeded to elect a Judge of the Supreme Court for the full term of six years.

On taking the vote *viva voce*, the Hon. Dawson A. Walker, of the County of Whitfield, having received a majority of the whole number of votes given, was declared duly elected.

They then proceeded to elect a Judge of the Supreme Court, to fill the vacancy of the Hon. Chas. J. Jenkins.

On taking the vote *viva voce*, the Hon. Iverson L. Harris, of the County of Baldwin, having received a majority of all the votes given, was declared duly elected.



On motion the Senate then returned to their Chamber.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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SATURDAY, JANUARY 27<sup>TH</sup>, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Turner moved to reconsider so much of the Journal of yesterday, as relates to the action of the Senate on the bill for the relief of Arthur Hutchinson, of the county of Campbell, and others similarly situated, against tax fi fas, caused to be issued by tax collectors, which motion was agreed to.

On motion, the rules were suspended, and Mr. J. A. W. Johnson reported the following resolution :

*Resolved*, That a committee of two be appointed on the part of the Senate, and three on the part of the House, to form a joint committee, whose duty it shall be to proceed to Stone Mountain, in DeKalb county, for the purpose of selecting an eligible and sufficient site for the erection of the necessary enclosures, buildings, and other appurtenances and conveniences of a State Penitentiary, adjacent to said mountain, and to ascertain for what sum, and upon what terms, the perpetual and exclusive right to quarry the granite composing said mountain can be purchased for the State, and also for what sum and upon what terms a proper and suitable site, for the purposes aforesaid, can be obtained, and to report to the General Assembly at as early a day as practicable the result of their labors.

On motion, the rules were suspended, and the resolution was taken up.

On motion of Mr. Redding, the same was laid on the table for the present.

The Senate took up the unfinished business of yesterday, which was the consideration of the report of the committee of the whole on the bill to amend the 4270th section, 4th division, part 4th, title 1st, of the Penal Code.

On motion of Mr. Brown, the bill was laid on the table for the present.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*.—The House of Representatives have passed the following bills, and respectfully request the concurrence of the Senate therein, to-wit :

A bill to be entitled an act to make all suits, writs and processes, which were returnable to Houston Superior

Court as of October term, 1865, returnable to the February term of said Superior Court, to be held in the year 1866.

Also a bill to be entitled an act to alter the road laws of this State, and to amend the 585th, 588th, 594th, 602nd, and 604th sections of the Code of Georgia.

On a call of the roll, the following bills were introduced and read the first time, to-wit:

By Mr. Bedford, a bill to define capital and minor offences by free persons of color.

By Mr. Brown, a bill to repeal the second section of an act entitled an act to provide for the payment of officers presiding at the polls on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

By Mr. Strozier, a bill to amend an act to incorporate the town of Smithville, in Lee county, and to confer powers on the same.

Leave of absence was granted to Mr. Gresham until Tuesday next. Also to Mr. Mims for a few days.

The following bills were read the second time, and severally referred to the Judiciary committee, to-wit:

A bill for the stay of executions on verdicts hereafter obtained, and for other purposes.

A bill to amend the 2466th paragraph, part 2nd, title 6th, chapter 3rd, of the Code.

A bill to repeal the 3778th section of the Code of this State, and to substitute another section therefor.

A bill to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

A bill to incorporate the Savannah Steamboat Co.

A bill to amend the 3188th section of the Code of the State of Georgia.

A bill to incorporate the Home Insurance Company of Atlanta.

A bill to amend the charter of the town of Athens.

A bill authorizing the Ordinaries of Georgia to issue letters testamentary in certain cases.

The following bills were read the second time, and severally referred to the committee on Internal Improvements, to-wit:

A bill to incorporate the North Georgia Mining and Manufacturing Co.

A bill to incorporate the Atlanta Street Rail Road Co., and for other purposes.

A bill for the relief of maimed soldiers of the State of Georgia, and for other purposes.

A bill to incorporate the Kenesaw Mining Co.

A bill to incorporate the Cherokee Mining and Manufacturing Co.

The following bills were read the second time, and referred to the committee on Finance, to-wit :

A bill to compensate Ordinaries and Clerks of the Superior Courts for administering the amnesty oath.

A bill to incorporate the Planter's Loan Association.

The following bill was read the second time, and referred to the committee on Banks, to-wit :

A bill to incorporate the Savings Bank of Augusta.

The following message was received from His Excellency, the Governor, by Mr. Williams, his Secretary, to-wit :

*Mr. President* :—The Governor has approved and signed the following resolutions, to-wit :

A resolution in reference to the President of the United States.

A resolution in relation to improvement of public grounds and buildings.

The following bills of the House of Representatives were read the first time, to-wit :

A bill to authorize and require the State Treasurer to make certain advances, and for other purposes.

A bill to change the line between the counties of Early and Miller.

A bill to grant certain privileges to persons living near the W. and A. Rail Road.

A bill to authorize the Inferior Court of Elbert county, to levy and collect a tax for county purposes.

A bill to authorize the Inferior Court of Pulaski county to levy and collect an extra tax for the years 1866, 1867 and 1868, for the purpose of building a Court House and Jail in said county, upon recommendation of Grand Jury of said county.

A bill to alter the 2nd and 3rd Congressional Districts, so far as relates to the county of Schley.

A bill to alter the road laws of this State, and to amend the 585th, 588th, 594th, 602nd, and 604th sections of the Code of Georgia.

A bill to compensate the Petit Jurors of Wilcox county.

A bill to make all suits, writs and processes, which were returnable to Houston Superior Court as of October term, 1865, returnable to the February term of said Superior Court, to be held in the year 1866.

A bill to authorize the sale of the Exile Camp in Terrell county, Ga., and for other purposes.

A bill to alter and amend an act to incorporate the town of Dawson, in the county of Terrell, and State of Georgia.

A bill to alter and amend section 2102, and paragraph 3, of section 1980, of the Code of Georgia.

A bill to repeal all laws heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors.

A bill to repeal an act assented to Dec. 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said Town, and to give the Town Council of said town certain powers hereinafter specified.

A bill to change and fix the time of holding the January term of the Court of Ordinary in this State, from the second Monday in said month, as now fixed by law, to the first Monday in January, in each and every year.

A bill to regulate the rates for transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation thereof.

The following bills of the House of Representatives were read the second time, and severally referred to the Judiciary committee, to-wit:

A bill to fix the times of holding the Supreme Court of this State, and for other purposes.

A bill to amend and alter section 4341 of the Code.

A bill to amend section 4564 of the Code of Georgia.

A bill to amend the 3984th and the 3985th sections of the Code.

A bill to carry into effect a portion of the 3rd paragraph, of the 1st section of the 4th article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the City Court of the city of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes.

A bill to appoint certain persons herein named trustees of the Knoxville Camp Ground, Crawford county, Ga., and to vest certain powers in them.

A bill to amend section 3452 of the Code of Georgia.

A bill to repeal an act approved Dec. the 12th, 1863, amendatory of the 1st clause of the 2480th section of the revised Code of Georgia.

A bill to authorize persons who are unable to work to retail spirituous liquors and peddle without paying license fee, and for other purposes.

A bill to amend the 3188 and 3189 sections of the Code of Georgia, and for other purposes.

The following bills of the House of Representatives were read the second time, to-wit:

A bill to extend the corporate limits of the town of Forsyth, Monroe co., Ga., to increase the powers of the commissioners thereof as to taxes, and the enforcement of fines and penalties.

A bill to enable the Inferior Court of the several counties in this State to raise a fund to pay off the indebtedness of the several counties, and for other purposes.

A bill to change the place of holding the Justices Court in the 97th District of Washington county.

A bill to repeal an act entitled an act to alter and amend an act to incorporate the city of Americus, and to alter and amend an act to incorporate the town of Americus, in the county of Sumpter, and for other purposes, assented to Dec. 17th, 1861.

A bill to legalize the issue of bills and bonds by the Mayor and Council of the city of Atlanta.

A bill to prescribe the oath to be administered to voters for members of the General Assembly, Governor of the State, members of Congress, and county officers.

A bill to suspend the operations of section 1528 of the Code of Georgia, in certain counties.

On motion of Mr. J. F. Johnson, the resolution reported by himself, in reference to the W. and A. Rail Road, was referred to the Finance Committee.

The following bill of the House was read the second time and referred to the committee on Finance, to-wit:

A bill to authorize the Phoenix Loan Association, and the Union Loan and Building Association, of Atlanta, Ga., to resume business, and carry on or close up said associations.

The following bill of the House was read the second time and referred to the committee on Internal Improvements, to-wit:

A bill to amend an act incorporating the town of Quitman, Brooks co., and to confer additional powers upon the commissioners of said town, and to prescribe qualifications of officers and voters of said town.

The following bill of the House was read the second time and referred to the committee on Banks, to-wit:

A bill for the relief of the Savannah Mutual Loan Association.

On motion, the Senate adjourned until Monday morning, at 10½ o'clock.

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### MONDAY, JANUARY 29TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Lovick Pierce.

The Senate took up the report of the Committee of the whole on the bill to change, define, and make permanent the County line between the Counties of Irwin and Wilcox.

The report of the Committee was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives, through Mr. Waddell, their Clerk :

*Mr. President* :—The House of Representatives have passed the following bill, and most respectfully request the concurrence of the Senate therein, to-wit :

A bill to be entitled an act to fix the salaries of the Judges, and certain other officers in the State of Georgia.

I am also directed to transmit the following Resolution :

WHEREAS, The bill entitled an act to amend the road laws of this State, having been transmitted to the Senate inadvertently by the Clerk of the House, when the same had been reconsidered by the House, be it therefore

*Resolved*, That the Senate be requested to return the said bill to the House.

The following bills were read the second time and referred to the Judiciary Committee, to-wit :

A bill to define capital and minor offenses by free persons of color.

On motion of Mr. Strozier, 50 copies of the same were ordered to be printed for the use of the Senate.

A bill to repeal the 2635th section of the Code, and to substitute another in lieu thereof.

The following bills were read the second time :

A bill to repeal the 2nd section of an act entitled an act to provide for the payment of officers presiding at the polls on elections hereafter to be held in Taliaferro County and for other purposes.

A bill to amend an act to incorporate the town of Smithville, in Lee County, and to confer powers on the same.

On motion the rules were suspended, and the Senate took up the message of the House in reference to the Resolution requesting the return of the House bill to amend the road laws.

On motion of Mr. Redding, the Secretary was directed to return the same.

On motion the rules were suspended and Mr. O. P. Beall introduced a bill to alter and amend an act to constitute the town of Cuthbert, Randolph County, a city, to provide for the election of officers, to define the powers of the several officers of said city, as well as said corporation, to extend the limits of Cuthbert, and for other purposes, said act assented to December 19th. 1859, which was read the first time.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the 3188th and 3189th sections of the Code of Georgia.

The Judiciary Committee, to whom the bill was referred, recommend that the same do not pass.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill authorizing the Ordinaries of Georgia to issue letters testamentary in certain cases.

The Judiciary Committee to whom this bill was referred, propose the following amendments, to-wit :

"To strike out the word "oral" in the 8th line ; also to insert the words "twenty days" before the word "notice" in the tenth line, and further to insert the word "clearly" before the word "appear," in the 12th line, and with these amendments they recommend that the bill be passed.

The amendments were agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the 3452nd section of the Code of Georgia.

The Judiciary Committee to whom this bill was referred, reported adversely to its passage.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill of the House to appoint certain persons herein named Trustees of the Knoxville Camp Ground, Crawford County, Georgia, and to vest certain powers in them.

The Judiciary Committee, to whom the bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act approved December 12th. 1863, amendatory of the 1st clause of the 2480th section of the revised Code of Georgia.

The Judiciary Committee, to whom this bill was referred, recommend that the same do pass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the reconsidered bill for the relief of Arthur Hutchinson, of the County of Campbell, and all others similarly situated, against tax *fi fas.*, caused to be issued by Tax Collectors of any County, in certain cases.

On motion of Mr. Turner, the same was amended by inserting after the word "Hutchinson" whenever it appears in the bill, the words "Administrator of the estate of Benjamin G. Barker, deceased,"

On motion of Mr. Moore, the same was further amended by striking out the words "and all others similarly situated."

The report of the Committee as amended was agreed to, the bill was read the third time and passed under the following title : "A bill for the relief of Arthur Hutchinson, of the County of Campbell, Administrator on the estate of Benjamin G. Barker, deceased, against a tax *fi fa.* issued by the Tax Collector of the County of Clinch.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act entitled an act to alter and amend an act to incorporate the City of Americus, and to alter and amend an act to incorporate the town of Americus,, in the County of Sumter, and for other purposes, assented to December 17th, 1861.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill of the House to change the place of holding the Justices' Court of the 97th District of Washington County.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to prescribe the oath to be administered to voters for members of the General Assembly, Governor of this State, members of Congress and County officers.

On motion the same was referred to the Judiciary Committee.

The Senate took up the report of the Committee of the whole on the bill of the House to extend the corporate limits of the town of Forsyth, Monroe County, Georgia, to increase the powers of the Commissioners thereof, as to taxes, and the enforcement of fines and penalties.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on a bill of the House to suspend the operation of section 1528 of the Code of Georgia.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to legalize the issue of bills and bonds by the Mayor and Council of the city of Atlanta.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the House bill to enable the Inferior Courts of the several Counties in this State, to raise a fund to pay off the



indebtedness of the several Counties, and for other purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

The following bills were introduced, read the first time, and 50 copies of each ordered to be printed for the use of the Senate, to-wit :

By. Mr. Gibson, a bill to establish rules of evidence and of equity, for carrying into effect unexecuted contracts, the provisions of an Ordinance passed by the last Convention of the People of Georgia, entitled an ordinance to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

Also, a bill to repeal such parts of all laws as impose a personal liability on the stockholders of Banks in this State for the payment of the debts or the redemption of the bills of such banks.

Also, a bill for the relief of the Banking Institutions of this State, and Stockholders, and repeal certain sections of the Code of Georgia.

Also, a bill to repeal all laws and parts of laws whereby any Bank of this State, or the Stockholders thereof, may be compelled to pay any debt created with a view to the maintenance of the war between the United States and the late Confederate States—to release the Banks of this State and the stockholders thereof, from all obligation to pay any such debt, and to settle a rule of evidence in such cases.

By Mr. C. H. Smith, a bill to regulate proceedings in winding up the insolvent Banks of this State, to provide for the distribution of their assets, and the mode of proceeding against the Stockholders thereof, for their ultimate personal liability, for the redemption of their bills and other obligations under their charters respectively, and to relieve the officers from certain pains and penalties.

On motion of Mr. Strozier, 50 copies of the substitute to the bill exempting certain property from levy and sale, was ordered printed for the use of the Senate.

Mr. Moore, Chairman of the Committee on the Judiciary made the following Report :

*Mr. President :—*The Judiciary Committee, to whom were referred certain bills, have had the same under consideration, and have instructed me to report thereon as follows :

A bill to be entitled an act authorizing the Ordinaries of

Georgia to issue letters testamentary in certain cases, which they propose to amend as follows :

1st, Strike out the word "oral" in 8th line of 1st section.

2nd, Insert the words "twenty days" before the word "notice" in 10th line of same section.

3rd, Insert the word "clearly" before the word "appear" in the 12th line of same section, and with these amendments, they recommend that it do pass.

Also, a bill to be entitled an Act to repeal an Act approved December 12th, 1863, amendatory of the 1st clause of the 2480th Section of the revised Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to appoint certain persons herein named Trustees of the Knoxville Camp Ground, Crawford County, Georgia, and to vest certain powers in them, which they recommend do pass.

Also, a bill to be entitled an act to amend the 3188th and 3189th Sections of the Code of Georgia, and for other purposes, which they recommend do not pass.

Also, a bill to be entitled an act to amend Section 3452 of the Code of Georgia, which the Committee recommend do not pass.

And a bill to be entitled an act to exempt from levy and sale certain property of every debtor, and to repeal the 2013th and 2017th sections of the Code of Georgia, which was referred to them, together with a substitute, and certain amendments thereto. The Committee now propose a substitute which they recommend be passed in lieu of the original bill and substitute.

On motion of Mr. Moore, the original bill and substitute, together with the following substitute reported by the Committee in lieu thereof, were made the special order of the day for Wednesday next, to-wit :

A bill to be entitled an act to secure to each family in this State a permanent homestead, and to exempt certain property of debtors from levy and sale.

SEC. 1st, From and after the passage of this Act there shall be exempted from levy and sale, property of every debtor who is a head of a family, to the value of four thousand dollars, and four hundred dollars additional for each child under sixteen years of age, and the same shall not be subject to the lien of any judgment or decree which may have been or may hereafter be obtained in any of the Courts of this State where the same is founded upon any debt or contract, or any tort or damage committed, but the said property shall remain for the use and benefit of the family of the debtor, and at the death of himself and wife, shall be equally divided between their children.

SEC. 2nd, Every debtor seeking the benefit of this act, his wife or the guardian or next friend of their children shall make application to the Inferior Court, and the said Court shall appoint three appraisers, who shall value such property as may be selected by the debtor or his wife, or in case of their death, by the guardian or next friend of their children, and shall set apart so much of the same as will not exceed the amount exempted by the first section of this act, and shall return a schedule thereof to the Clerk of the Inferior Court, to be recorded by him in his book kept for that purpose.

SEC. 3rd, Where the debtor or his wife, or if both be dead, where the guardian or next friend of their children shall elect to take a certain value in provisions, or anything of a perishable nature, or that is consumed in its use, he or they shall be permitted to keep on hand as continuously exempt, a like amount of such articles for family purposes.

SEC. 4th, Any enhancement in value of the land exempted as a homestead, which may arise after its appraisal, by reason of its improvement as a habitation, shall not create any lien upon the same, but it shall remain as before, always exempt. But when the same shall be enhanced in value in other respects than as a homestead, to double its appraised value, any creditor may apply for a second appraisal, and if so valued by the appraisers, the debtor or his wife shall be required to make a second election.

SEC. 5th, The debtor shall have no power to encumber or alienate the personal property exempt under this law, but the same may be sold by the debtor or his wife jointly, with the consent of the Inferior Court, the proceeds to go to the debtor's family. The real estate or homestead exempted shall not be sold except by order of the Judge or Chancellor, for good cause shown, and the proceeds shall be invested according to his order.

SEC. 6th, The provisions and benefits of this Act shall not apply to or be enforced in favor of any debtor where the wife or wife and children have settled upon them by deed of trust, an estate which amounts in value to that exempted by this act, and of which they are in the actual possession and enjoyment.

SEC. 7th, Any property of a debtor which he may elect to take under this act, which was before exempt under other laws heretofore passed shall be included as exempt under this act; *Provided*, the whole amount exempted does not exceed the sum provided for in the first section of this act.

SEC. 8th, All laws or parts of laws militating against the provisions of this act are hereby repealed.

The following bills of the House of Representatives were read the second time, to-wit:..

A bill to authorize the sale of the Exile Camp, in Terrell County, Georgia, and for other purposes.

A bill to alter the second and third Congressional Districts, so far as relates to the County of Schley.

A bill to authorize the Justices of the Inferior Court of Elbert County, Georgia, to levy and collect a tax for County purposes.

A bill granting certain privileges therein named to the people living near the Western & Atlantic Rail Road.

A bill to authorize and require the Treasurer of this State to make certain advances, and for other purposes.

A bill to compensate the Petit Jurors of Wilcox County.

A bill to authorize the Inferior Court of Pulaski County, to levy and collect an extra tax for the years 1866, 1867 and 1868, for the purpose of building a Court House and Jail in said County, upon recommendation of the Grand Jury of said County.

A bill to alter and amend an act entitled an act to incorporate the town of Dawson, in the County of Terrell, and State of Georgia.

A bill to repeal an act assented to December 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said town, and to give the town council of said town, certain powers hereinafter specified.

The following bills of the House of Representatives were read the second time, and severally referred to the Judiciary Committee, to-wit:

A bill to repeal all laws heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors.

A bill to alter and amend section 2102 and paragraph 3 of section 1980 of the Code of Georgia.

A bill to make all suits, writs and processes which were returnable to Houston Superior Court as of October term, 1865, returnable to the February term of said Superior Court, to be held in the year 1866.

A bill to change and fix the time of holding the January term of the Courts of Ordinary in this State, from the second Monday in said month, as now fixed by law, to the first Monday in January in each and every year.

The following bill of the House of Representatives was read the second time, and referred to the Committee on Internal Improvements, to-wit:

A bill to regulate the rates of transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation thereof.

The following bill of the House was read the first time, to-wit :

A bill to fix the salaries of the Judges, and certain other officers in the State of Georgia.

Mr. J. A. W. Johnson reported the following Resolution as a substitute to the one reported by him on Saturday, on the same subject, to-wit :

*“Resolved,* That a committee of two on the part of the Senate, and three on the part of the House, be appointed to act as a joint committee, whose duty it shall be to examine the condition of the Penitentiary and ascertain as nearly as possible what amount will be necessary to so repair it, that convicts can be temporarily kept until the repairs are made permanent, or until a new one is built there or elsewhere. And that it be made the duty of said joint committee to investigate and report on the propriety of locating the Penitentiary at some other point in the State, and also report what will be the probable cost of erecting such enclosures as will be absolutely necessary until permanent buildings and enclosures can be built by convicts themselves with the aid of small appropriations. And that said Committee be authorized to visit any point in the State which may be necessary to carry out this object.

On motion the rules were suspended, and the Resolution was taken up, read, and the substitute adopted in lieu of the original.

The Committee appointed under the forgoing Resolution consists of Messrs. J. A. W. Johnson, and Butler.

On motion the rules were suspended and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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## TUESDAY, JANUARY 30TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by Rev. Lovick Pierce.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President :*—The House of Representatives have passed the following bills, and respectfully request the concurrence of the Senate therein, to-wit :

A bill to be entitled an act to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia, by written argument, and for other purposes.

Also a bill to be entitled an act to compel the several R. R. Companies of this State, to furnish separate cars for persons of color.

Also a bill to be entitled an act to perfect service against Express Companies.

Also a bill to be entitled an act to regulate testimony in case of common carriers.

Also a bill to be entitled an act to alter the road laws of this State, and to amend the 585th, 588th, 594th, 602nd, and 604th sections of the Code of Georgia.

The House have also passed the following Senate bills, to-wit:

A bill to be entitled an act to confer certain powers on the Commissioners of Louisville, and for other purposes.

Also a bill to be entitled an act to alter and amend the 10th paragraph of the 2nd article, part 1st, title 16th, chapter 5th, of the Code of Georgia.

Also a bill to be entitled an act to establish the seal to be used in the office of the Secretary of State.

Also a bill to be entitled an act to permit certain persons to build stock gaps on the Western and Atlantic R. Road.

Also a bill to be entitled an act to change the line between Worth and Irwin counties, so as to include No. 30, 2nd District, of Irwin, in Worth county.

Also a bill to be entitled an act to repeal an act assented to on the 21st of December, 1857, requiring the Court of Ordinary of Tatnall county to be held on the 2nd Monday in October, instead of 1st Monday, as provided for by law.

I am also instructed to inform the Senate that the House has passed the following bill, and ordered that it be transmitted forthwith to the Senate for their concurrence therein, to-wit:

A bill to be entitled an act to prevent the spread of small pox in this State.

Mr. McDaniel moved to reconsider so much of the Journal of yesterday as relates to the passage of the bill of the House of Representatives to enable the Inferior Court of the several counties in this State, to raise a fund to pay off the indebtedness of the several counties, and for other purposes, which motion was lost.

Mr. Thornton reported the following resolution:

*Resolved by the Senate,* That the venerable Dr. Lovick Pierce be tendered a seat upon the floor of the Senate, during his stay at the Capital.

On motion, the rules were suspended, and the resolution was taken up, read and agreed to.

Mr. Moore, from the Judiciary Committee, made the following report :

*Mr. President* :—The Committee on the Judiciary have had under consideration certain bills which were referred to them, and they have directed me to report thereon as follows :

A bill to be entitled an act to authorize the use of the water power on the reserve at Indian Spring, with the privilege of building Saw and Grist Mills thereon, which the Committee propose to amend by striking out “sixty” (years) in third section, and inserting “twenty” (years) and thus amended, they recommend the passage of the bill.

Also a bill to be entitled an act to amend the charter of Athens, which they recommend do pass.

Also a bill to be entitled an act to repeal the 3778 section of the Code of this State, and to substitute another section therefor, which they recommend do pass.

Also a bill to be entitled an act to repeal the 2635 section of the Code, and to substitute another in lieu thereof, which the Committee recommend do pass.

B. B. MOORE,  
Chairman.

Mr. C. H. Smith, Chairman of the Committee on Finance, submitted the following report :

The Committee on Finance have had under consideration “a bill to be entitled an act to require persons owning land in this State, in counties in which they do not reside to register their names and residence, together with the number of their land, the district and section in which it is located, in the Clerk’s office of the Superior Court in the county where the land lies, and for other purposes,” and they recommend the passage of the original bill, in lieu of the substitute offered by the Judiciary Committee, to whom it was first referred, and with an amendment, by inserting “twenty cents” instead of “ten cents” in sec. 7th.

Also “a bill to be entitled an act authorizing the officers of the W and A. R. Road to receive in payment for dues to said Road certain change bills, issued by the Superintendent under the acts of the General Assembly, assented to Dec. 17th, 1861, and April 6th, 1863,” which they recommend do pass.

Also “a bill to be entitled an act to compensate Ordinaries and Clerks of the Superior Courts for administering the amnesty oath,” which they beg leave to report back to the Senate, for the purpose of enquiring into its constitutionality.

Also “a bill to be entitled an act to incorporate the Plan-

ter's Loan Association," which they beg leave to report back to the Senate, requesting that it be referred to the Judiciary Committee.

C. H. SMITH,  
Chm'n Finance Committee.

Mr. Owens, from the Committee on Internal Improvements, makes the following report:

The Committee on Internal Improvements, to whom was referred the consideration of several bills, have had the same under advisement, and have instructed me to make the following report:

They have considered "a bill to be entitled an act to alter and amend sections 585, 594, 602, and to repeal section 588 of the Code of Georgia," and recommend that it do pass.

Also "a bill to be entitled an act to amend the act incorporating the town of Quitman, Brooks co., and confer additional powers upon the Commissioners of said town. and to prescribe qualifications of officers and voters of said town," &c., which they recommend do pass.

The Committee have also had under consideration the condition of the Western and Atlantic Rail Road, and have instructed me to report a bill to increase the salary of the Superintendent of said Road, which I now do. All which is respectfully submitted.

GEO. S. OWENS,  
Chairman.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—I am directed to inform the honorable body over which you preside, that the House is now prepared to receive the Senate in the Representative Chamber for the purpose of electing two United States' Senators.

On motion of Mr. Moore, the Senate repaired to the Hall of the House of Representatives, and after being seated, the General Assembly proceeded to elect a United States' Senator, for the unexpired term of six years, commencing the 4th day of March, 1865.

On taking the vote *viva voce*, the Hon. Alexander H. Stephens, of the county of Taliaferro, having received a majority of all the votes given, was declared duly elected.

They then proceeded to elect a Senator for the unexpired term of six years, commencing the 4th day of March, 1861.

Pending the same, on motion, the General Assembly took a recess until the 3½ o'clock, P. M.

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3½ O'CLOCK, P. M.

The General Assembly reassembled, and resumed the unfinished business of the morning.



On taking the vote *viva voce*, the Hon. Herschel V. Johnson, of the county of Jefferson, having received a majority of all the votes given, was declared duly elected.

On motion, the Senate returned to their Chamber.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize and require the Treasurer of this State to make certain advances, and for other purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the rules were suspended, and the following bill of the House of Representatives was read the first time, to-wit :

A bill to prevent the spread of small pox in this State.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY, JANUARY 31st, 1866.

The Senate met pursuant to adjournment, and was opened with prayer, by the Rev. Lovick Pierce, D. D.

On motion of Mr. O. P. Beall, the rules were suspended, and the Senate took up the report of the committee of the whole, on the bill to change the line between the counties of Lee and Terrell, and to add a portion of the county of Lee to the county of Terrell, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

On motion, the rules were further suspended, and the Secretary was ordered to transmit the same forthwith to the House of Representatives.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to repeal an act assented to on the 21st day of December 1857, requiring the Court of Ordinary of Tattnall county to be held on the 2d Monday in October, instead of 1st Monday as provided for by law.

An act to confer certain powers on the Commissioners of Louisville, and for other purposes, &c.

An act to establish the seal to be used in the office of the Secretary of State.

An act to change the line between Worth and Irwin counties, so as to include number thirty-second, district of Irwin, in Worth county.

An act to alter and amend the tenth paragraph of the second article, part 1st, title sixteenth, chapter fifth, of the Code of Georgia.

An act to permit certain persons to build stock gaps on the Western and Atlantic Rail Road.

The following Message was received from the House of Representatives, by Mr. Waddell, the Clerk thereof, to-wit :

*Mr. President* :—The House of Representatives have passed the following bills, which I am directed to transmit forthwith to the Senate, to-wit :

A bill to be entitled an act to authorize persons owning adjoining lands to build a joint fence between them, and to define the manner in which the same shall be kept up permanently, and to protect the premises of each.

The rules being suspended, Mr. Moore reported the following resolution :

*Resolved*, That the Secretary be directed to inform the House of Representatives in his Messages, of the rejection of all bills of the House by the Senate as well as those that may be passed.

On motion the rules were suspended and the resolution was taken up, read and agreed to.

On motion the rules were further suspended, and the following bill was reported by the committee on Internal Improvements, to-wit :

A bill to increase the salary of the Superintendent of the W. & A. A. R. Road, which was read the first time.

The Senate took up the special order, which was the report of the committee of the whole, on the bill for the relief of the Executors of Mary A. West, deceased, on certain conditions therein named, to which a substitute had been reported by Mr. Boynton.

On motion the substitute was adopted in lieu of the original.

The report of the committee as amended, was agreed to, the bill was read the third time and lost.

The Senate took up the special order, which was the consideration of the report of the committee of the whole, on the bill to exempt certain property from levy and sale, and to repeal the 2013th and 2017th sections of the Code of Georgia, to which the Judiciary committee had reported a substitute.

Pending the consideration of the same, on motion the Senate adjourned until to-morrow morning at 10 o'clock.

THURSDAY, FEBRUARY 1st, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following Report :

*Mr. President* :—The Judiciary Committee to whom sundry bills were referred, have had the same under consideration, and I am directed to report thereon as follows :

A bill to be entitled an act to incorporate the Home Insurance Company, of Atlanta, which the Committee propose to amend by striking out "ten" (*per centum*,) in 1st Section and substituting therefor "twenty-five" (*per centum*,) and as thus amended they recommend that it be passed.

Also, a bill to be entitled an Act for the relief of John Long, John B. Bailly, John Bodahan, and Thomas Bonner, Sr., for which the Committee report a substitute, which is a bill to be entitled an act to relieve securities on bonds for criminal offences, committed during the war with the United States, upon certain conditions, and which the Committee recommend be passed in lieu of the original.

Also, a bill to be entitled an act to carry into effect a portion of the third paragraph of the first section of the fourth article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the city courts of the cities of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to prescribe the oath to be administered to voters for members of the General Assembly, Governor of this State, members of Congress, and County Officers, which the Committee propose to amend by inserting in the title and body thereof "Judges of the Superior Courts, State's Attorney, and Solicitors General," after "members of Congress," and as thus amended, they recommend that it do pass.

Also, a bill to be entitled an act to change and fix the time of holding the January term of the Courts of Ordinary in this State from the second Monday in said month, as now fixed by law, to the first Monday in January in each and every year, which the Committee recommend do pass.

Also, a bill to be entitled an act to make all suits, writs and processes which were returnable to Houston Superior Court, as of October term, 1865, returnable to the February term of said Superior Court, to be held in the year 1866 ; which they recommend do pass.

Also, a bill to be entitled an act to amend and alter section 4321, of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to authorize persons who are unable to work to retail spirituous liquors, and peddle without paying license fee, and for other purposes; which they recommend do not pass.

Also, a bill to be entitled an act to alter and amend section 2102 and paragraph 3 of section 1980 of the Code of Georgia; which they recommend do not pass.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Courts of the several Counties of this State to borrow money on the faith and credit of their respective Counties, and for other purposes therein mentioned; which the Committee recommend do not pass, as a similar bill has already passed the Senate, which, in their opinion, renders the passage of this unnecessary.

Also, a bill to be entitled an act to amend the 2466 paragraph, part 2nd, title 6th, chapter 3rd, of the Code of Georgia; which they recommend do not pass.

Also, a bill to be entitled an act to repeal all laws heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors; which they recommend do pass.

Also, a bill to be entitled an act to amend section 4564 of the Code of Georgia; which they recommend do pass.

Also, a bill to be entitled an act to amend the 3188th section of the Code of the State of Georgia; which they recommend do not pass.

Also, a bill to be entitled an act to incorporate the Savannah Steamboat Company; which they recommend do pass.

B. B. MOORE, Chairman.

Mr. Casey, from the Committee on Banks, to whom was referred the bill to be entitled an act for the relief of the Savannah Mutual Loan Association, reported that they have had the same under consideration, and recommend the passage of the bill.

Also, a bill to be entitled an act to incorporate the Saving's Bank of Augusta, and report that they have had this bill under advisement and recommend that the 5th section be stricken out, as it is violative of that clause in the Constitution which excludes the introduction of two distinct matters in the same bill. With this amendment, they recommend that the bill do pass.

On motion of Mr. Owens, Mr. O. P. Beall was added to the Committee on Internal Improvements.

On motion the rules were suspended, and the bill of the House to prevent the spread of small pox in this State, was read the second time.

Mr. Butler moved that 250 copies of the same be printed for the use of the Senate, which motion was lost.

The following bill was read the second time to-wit :

A bill to increase the salary of the Superintendent of the Western & Atlantic Rail Road.

On motion the rules were suspended, and the following bills were introduced and read the first time, to-wit :

By Mr. Patterson, a bill to authorize the Inferior Court of Camden County to regulate and prescribe the rates of ferriage in said County, and for other purposes.

By Mr. Carter to amend the several laws of this State regulating the administration of estates of deceased persons in certain cases therein mentioned.

The Senate resumed the unfinished business of yesterday, which was the consideration of the report of the committee of the whole on the bill to exempt certain property of every debtor from levy and sale, and to repeal the 2013th and 2017th sections of the Code.

The following Message was received from his Excellency the Governor, by Mr. Williams, his Secretary, to-wit :

*Mr. President:*—I am directed by the Governor to deliver to the Senate a communication in writing, with an accompanying document.

On motion of Mr. Butler, the order was suspended, the Message was taken up, and read as follows, and one hundred copies of the same, with the accompanying document, were ordered to be printed for the use of the Senate :

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, GA. }  
January 30th, 1866. }

*To the Senate, and*

*House of Representatives :*

I herewith transmit to you a communication from the Superintendent of the Western & Atlantic Rail Road, unavoidably delayed to this time.

I trust it will enable you to make an approximate estimate of the sum necessary to refit the Road.

It will be seen that the sum total of purchases from the United States authorities, is four hundred and sixty-four thousand, one hundred and fifty-two 25-100 dollars. A disagreement occurred between those authorities and the Superintendent, as to the terms of sale and time of payment, which induced me to communicate with General Thomas, commanding division of the Tennessee. The terms exacted were, the giving of a bond, with approved personal security, for the payment of the purchase money

and interest, two years after the date of the contract, or the payment in equal monthly installments, during the two years.

No bond having been tendered, monthly installments were demanded as the alternative. In his reply to me, dated January 4th, General Thomas, after stating his understanding of the terms, says, "I am willing for the present, to defer the collection of the stipulated monthly installments, until the Legislature has time to provide for a compliance with that condition, and I will instruct Maj. Crilley to defer the collection of the monthly payments, if you will urge upon the Legislature, at its next session, the propriety and necessity of authorizing Mr. Baugh and the Treasurer of the State, to execute a bond, pledging the faith of the State, to the payment of the debt incurred by it, in the purchase from the United States, of Rail Road property, within a period not exceeding two years, with interest at 7 3-10 per cent. per annum."

As the payment of monthly installments may, and in the opinion of the Superintendent, will embarrass the Road, I urgently recommend, that the General Assembly, by an Act to be speedily passed, authorize the execution of such a bond.

I infer from the phraseology used by General Thomas, referring to the time of payment, ("within a period not exceeding two years,") that there will be no objection to the insertion of a clause, providing for earlier payment, in the discretion of the State. This would enable the State, in case her bonds on long time can be negotiated at a rate of interest lower than 7 3-10 per cent, not only to save the excess during the two years, but to bring this debt under such general scheme, as the General Assembly may think proper to adopt for the prospective adjustment of her finances.

I call your attention to that part of the Superintendent's report, referring to a claim of the State of Georgia, against the Government of the United States, for the occupancy and use of the Road, whilst in their possession. The Superintendent entertaining the opinion, that this claim should be promptly adjusted, and such sum as might be found due the State, applied to the payment of the debt for property purchased as above stated, from that Government. I also pressed this point upon General Thomas' consideration. In reply he says: "As to the claim which the Western & Atlantic Rail Road may have against the United States, for all profits and money received by them from the Road—that, in no way, is connected with the matter of indebtedness of the State to the United States, in so far as the turning over of the Road to the State is concerned. The settlement of that claim is provided for, by act of Congress,

approved January 31st, 1862, which provides for the appointment of Commissioners, who shall assess and determine the amount of compensation, (if any,) to be paid to the Road."

This subject will demand your attention during your present session. By the Act to which General Thomas refers, it is provided that the President, by and with the advice and consent of the Senate, shall appoint three Commissioners, who shall assess and determine the compensation to be made, and return their award for the consideration of Congress.

I believe this has not yet been done, but will be, probably, during the present session of Congress, and some competent person or persons should be appointed, to represent the claim of the State of Georgia before the Commissioners, when appointed.

I further ask your attention to what is said in the report regarding the levying of a tax upon the gross earnings of the Road, in which I trust the Government of the United States will not persist against such remonstrance, as you may think proper to make.

You will see that the Superintendent closes his report with his resignation of the position. He accepted it under circumstances most embarrassing, and has, I doubt not, devoted himself to the execution of his difficult trust, with a degree of zeal, energy, and fidelity, which entitle him to grateful consideration.

I trust he will find in other employment, less annoyance, and a more compensating return.

Respectfully submitted.

CHARLES J. JENKINS

Mr. Smith, Chairman of the Committee on Enrollment, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and attested by the Clerk of the same, the following Acts :

An act to enable the Inferior Court of the several Counties in this State to raise a fund to pay off the indebtedness of the several Counties, and for other purposes.

An act to repeal an act entitled an act to alter and amend an act to incorporate the city of Americus, and to alter and amend an act to incorporate the town of Americus, in the County of Sumter, and for other purposes, assented to December 17th, 1861.

An act to change the place of holding the Justices' Court in the 97th District Georgia Militia, of Washington County.

An act to repeal an act approved December 12th, 1863, amendatory of the 1st clause of the 2480th section of the revised Code of Georgia.

An act to appoint certain persons herein named, Trustees of the Knoxville Camp Ground, Crawford County, Georgia, and to vest certain powers in them.

An act to legalize the issue of bills and bonds by the Mayor and Council of the City of Atlanta.

An act to extend the corporate limits of the town of Forsyth, Monroe County, Georgia, to increase the powers of the Commissioners thereof, as to taxes, and the enforcement of fines and penalties.

An act to suspend the operation of section 1528 of the Code of Georgia, in certain Counties.

Also, an act to authorize and require the Treasurer of this State to make certain advances, and for other purposes.

The Senate resumed the consideration of the report of the committee of the whole on the bill to exempt certain property of every debtor from levy and sale, and to repeal sections 2013 and 217 of the Code.

The substitute reported by the Committee was rejected.

Mr. Gibson offered the following as an amendment, to-wit:

*“And be it further enacted, That in the event said debtor’s property shall not consist in the articles of property herein exempted, or said debtor shall elect to choose other property than that exempted, he may make application to the Ordinary of the County in which said debtor may reside, for the appointment of three appraisers, who shall on oath value such property as may be selected by said debtor or his wife, and in case of his death by their guardian or next friend of the child or children of said debtor, who shall value the same and set apart so much of the same as will not exceed in value and amount the sum of four thousand dollars, and two hundred dollars for each child he may have under the age of sixteen years, and shall return a schedule of the same to the Clerk of the Superior Court for said County, to be by him recorded in a book kept for that purpose, which property or effects so appraised shall be forever thereafter exempted from levy and sale, and held for the benefit of said debtor and his family.*

*And be it further enacted, That any transfer, sale, or disposition of said property herein exempted may be made and held valid and good in law by said debtor and his wife, with the consent of the Ordinary of the County in which they may reside, the proceeds of said sale being again re-invested for the benefit of said debtor’s family.*

*And be it further enacted, That all laws in conflict herewith are hereby repealed.”*

Mr. Gresham moved to amend the amendment by striking



out the words "four thousand dollars," and insert "two thousand five hundred dollars."

On motion of Mr. Redding, the question was divided, and the motion to strike out prevailed.

Mr. Gibson moved to fill the blank with "three thousand five hundred dollars," which motion was lost.

Mr. Carter moved to fill the blank with "three thousand dollars," which motion was lost.

The motion to fill the blank with "twenty-five hundred dollars" was agreed to.

The amendment as amended was disagreed to.

Mr. Gresham moved to insert after the words "out houses" in the fifth line, the following proviso, to-wit:

*"Provided, That the value of the real property hereby exempted shall not exceed the sum of twenty-five hundred dollars."*

Mr. Strozier moved to amend the amendment offered by Mr. Gresham by substituting the following in lieu thereof, which motion was lost, to-wit:

*Provided the value of improvements on said land be not worth more than twenty-five hundred dollars.*

The amendment offered by Mr. Gresham was then agreed to.

Mr. Butler moved to strike out the words "nor shall any valid lien be created thereon," which motion was lost.

Mr. Dickcy moved to lay the bill with the amendments, on the table for the present, which motion was lost.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:—*The following bills have been passed by the House of Representatives, and hereby transmitted to the Senate for their concurrence therein, to-wit:

A bill to be entitled an act to provide a more summary mode for the enforcement of Mechanics' lien in this State.

Also, a bill to be entitled an act for the relief of all persons who were bona fide soldiers of the late Confederate States for acts done, or committed under an order, or orders from any officer of the same; also, to relieve officers for any act done under orders from a superior officer.

Also, a bill to be entitled an act allowing the redemption of land forfeitures, or sold for taxes due the State, or any County, or City thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs, which may have occurred.

Also, a bill to be entitled an act to incorporate the town

of Steadman, in the County of Newton, and to confer upon the citizens of said town the privilege of electing Commissioners, with certain rights and privileges therein enumerated.

Also, a bill to be entitled an act for the relief of R. S. Haynes, M. J. Seals, A. H. Teasly, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kircannon, W. P. Brown, R. A. Camp, L. P. Brown, of Milton County, in this State, securities of B. T. Handley, who was indicted under the name of Thomas Handley, at the March term of the Superior Court, 1865, of said County of Milton, for the offence of robbery.

On motion of Mr. Daley the same was further amended by striking out the words "and if such dwelling house be in the limits of any city or town, then and in that case, one acre of land, with the dwelling house, shall be exempted as aforesaid, provided the same is not worth over twenty-five hundred dollars.

On motion of Mr. Gresham the same was further amended by adding the following as an addition to the second section thereof:

"If the real estate exceed that value, and it cannot be divided so as to give him and his family that amount, he may give notice to the officer levying thereon, and when the proceeds of the sale shall be distributed, the Court shall order twenty-five hundred dollars of the same to be retained and invested by some proper person in a home for the family of the debtor, which shall be thereafter exempted as aforesaid.

Mr. Gresham moved to add the following proviso to the second section, to-wit:

"*Provided*, That nothing in this act contained shall exempt the property of any debtor from the payment of taxes."

On motion of Mr. Overstreet, the same was further amended by adding after the word "years" in the fourth line, the following words, to-wit: "and ten additional acres for every invalid entirely dependent upon the heads of such families for support."

On motion of Mr. Owens the same was further amended by striking out the following proviso, to-wit:

"*Provided*, That none of the aforementioned lands include any cotton or wool factory, saw or grist mill, or any other machinery propelled by water or steam."

Mr. Dickey moved that the Senate adjourn until ten o'clock, to-morrow, which motion was lost.

On motion of Mr. Gibson, the second section was amend-

ed by inserting after the word "mule" in the first line thereof the words "one yoke of oxen and cart."

On motion of Mr. Strozier the same was further amended by striking out the words "one horse or mule," and insert in lieu thereof "two horses or mules."

Mr. Dickey moved to insert after the word "Cards" in the 9th line, the following words, to-wit: "one sewing and washing machine," which motion was lost.

On motion of Mr. Gibson the 4th section was amended by striking out the words "sections 2013 and 2017 of the Code of Georgia."

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

Mr. Bedford moved that 50 copies of the bill as passed, be printed for the use of the Senate, which motion was lost.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:*—I am instructed to inform the Senate that the House of Representatives have concurred in the following Senate Resolution, to-wit:

"A Resolution making valid contracts between white men and freedmen."

Mr. Brown, from the Committee on New Counties and County Lines, reported that the Committee have had under consideration a bill to change the line between Early and Miller Counties, and recommend that the bill do pass.

On motion the Senate adjourned until 10 o'clock to-morrow morning.

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FRIDAY, FEBRUARY 2ND, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Leave of absence was granted to Messrs. Wilcox, Barwick, Griffin and Thornton, for a few days.

On motion of Mr. Redding, the rules were suspended, and the Senate took up the report of the Committee of the Whole on the bill of the House of Representatives, to prevent the spread of small pox in this State.

The report of the Committee was agreed to.

On motion of Mr. Carter, the bill was recommitted, and made the special order for Saturday next, at 11 o'clock.

Mr. O. L. Smith moved that 50 copies of the same be printed for the use of the Senate, which motion was lost.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bill, and respectfully request the concurrence of the Senate therein, to-wit:

A bill to be entitled an act to authorize Artemesia A. E. Jones, wife of James M. Jones, of Bibb county, to receive any property she is or may hereafter be entitled to by inheritance or otherwise, where the same is not limited over, in the same manner as though she were a *feme sole*.

Also a bill to be entitled an act to legalize marriages between first cousins, which have been contracted since 11th Dec., 1863.

Also a bill to be entitled an act to amend an act incorporating the town of Weston, Webster county, Ga., passed March 6th, 1856.

Also a bill to be entitled an act to change the county line between the counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy, of the county of Crawford, in the county of Upson.

Also a bill to be entitled an act to alter and amend sections 4596 and 4597 of the Code of Georgia.

The House of Representatives have also passed, with an amendment, the Senate bill "to be entitled an act for the relief of securities on recognizances in certain cases," and ordered the same transmitted forthwith to the Senate.

The House has also passed "a bill to be entitled an act to make the owners and possessors of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes."

The House has rejected the Senate bill entitled an act to allow Clerks of Superior and Inferior Courts of this State to practice law in all the Courts of this State, except the Courts in which they are officers.

Also, rejected Senate bill entitled "an act to add the county of Terrell to the South-Western Judicial Circuit."

Mr. Moore, Chairman of the Joint Committee on the Judiciary, made the following report:

*Mr. President*:—The Standing Committee on the Judiciary of the Senate and House of Representatives, to whom was referred the Code of Laws reported by Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull, and Sam'l Barnett, Esqrs., Commissioners appointed by the recent Convention, have, in joint session, considered that portion of the Code relating to the organization of a County Court, and direct me to report the following bill, which is "a bill to be entitled an act to organize a County Court for the several counties in this State, and to define its jurisdiction and powers."

B. B. MOORE,  
Chairman.

Mr. Moore, Chairman of the Joint Judiciary Committee, introduced the following bill, which was read the first time, to-wit:

A bill to organize a County Court for the several counties in this State, and to define its powers and jurisdiction.

Mr. O. L. Smith, from the Committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and Speaker of the House of Representatives, a resolution for making valid contracts between white men and freedmen.

Mr. Smith, Chairman of the Committee on Finance, submitted the following report:

*Mr. President*:—The Committee on Finance have had under consideration the following bill of the House of Representatives, to-wit:

“A bill to be entitled an act to authorize the Phoenix Loan and Building Association, and the Union Loan and Building Association of Atlanta, Ga., to resume business, and carry on or close up said association,” which they recommend do pass.

C. H. SMITH,

Chm'n Finance Committee.

Mr. Owens makes the following report from the Committee on Internal Improvements:

*Mr. President*:—The Committee on Internal Improvements, to whom was referred several bills, have examined the same, and have directed me to report as follows:

The Committee have considered a bill entitled “an act to incorporate the North Georgia Mining and Manufacturing Company,” and propose to amend the same by striking out the word “thirty” (30) in the 8th section, and inserting the word “twenty” (20) in lieu thereof, and with this amendment, they recommend that it do pass.

Also a bill to be entitled “an act to incorporate the Cherokee Mining and Manufacturing Company,” and propose to amend the same by striking out the word “thirty” (30) in the 6th section, and inserting the word “twenty” (20) in lieu thereof, and with this amendment they recommend its passage.

Also a bill to be entitled “an act to incorporate the Kennesaw Mining Company of Georgia,” and propose to amend the same by striking out the ninth (9th) and tenth (10th) sections, and adding the following section, “*And be it further enacted*, that this act shall be and continue in force for the term of twenty (20) years, from and after the date of its passage,” and with their amendments recommend that it do pass.

Also a bill “to be entitled an act for the relief of maimed soldiers of the State of Georgia, and for other purposes,”

and direct me respectfully to return the same, asking to be relived from its further consideration, as it requires an appropriation to accomplish its objects, which must originate in the lower House.

Also a "report from B. W. Frobel, Engineer," which they respectfully return, asking to be relieved from its consideration, and recommend that it be referred to the Joint Committee of both Houses, appointed to examine the public grounds.

All which is respectfully submitted.

GEO. S. OWENS,

Chm'n Com. In. Improvement.

The rules being further suspended, on motion of Mr. Simmons, the Senate took up the report of the Committee of the Whole on the bill of the House to make all suits, writs, and processes, which were returnable to Houston Superior Court, as of October term, 1865, returnable to the February term of said Superior Court, to be held in the year 1866.

The Judiciary Committee, to whom the bill was referred, reported favorably to the passage of the same.

The report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the rules were suspended, and Mr. Thornton reported the following resolution, to-wit:

*Resolved*, That the Secretary be authorized to have printed in pamphlet form, for the use of the Senate, 150 copies of the Rules, with the present Standing Committees of the Senate, also the alphabetical list of Senators, together with a list of the officers and members of the Senate, with their post offices, and the counties composing the Districts they represent.

On motion of Mr. Thornton, the resolution was taken up, read and agreed to.

On motion of Mr. Casey, the Senator from the 9th Dist. was added to the Committee on the Lunatic Asylum.

The Senate took up the special order, which was the consideration of the report of the Committee of the Whole on the following bills, for which the Judiciary Committee had reported a substitute, to-wit:

A bill to suspend the collecting laws of this State until the 1st day of January, 1868, except in certain cases therein provided.

A bill for the relief of the people of this State.

A bill to prescribe the mode for the collection of debts, and for the relief of the people.

Mr. Moore reported the following as a substitute for the substitute reported by the Committee:

A bill to be entitled an act for the relief of the people

of Georgia, and to prevent the levy and sale of property under certain circumstances, and within a limited period :

*Whereas*, During the late war. the State of Georgia has been overrun by the opposing armies—the accumulated crops and agricultural stock in a great measure destroyed—the Confederate indebtedness held by the people in exchange for their products has become valueless—the obligations of the State, eagerly sought after as a safe investment, have been repudiated—the accumulated capital of nearly a century, represented by slave labor, amounting to nearly three hundred millions of dollars, has been destroyed—and the prospect of successful agriculture, the basis of all value, now dependent on the voluntary labor of the freedmen, is a question of doubt and experiment, therefore,

Sec. 1. *The General Assembly of Georgia do enact*, That there shall be no levy or sale of property of defendants in this State, under any execution, founded on any judgment, order, or decree of any Court heretofore or hereafter to be rendered upon any contract or liability made or incurred prior to the 1st day of June, 1865; *Provided*, the said defendant shall pay, or cause to be paid, during each year, one fourth part of the amount of principal and interest of such execution, or of the debt or claim on which such execution has been or may hereafter be obtained, so that the entire indebtedness shall be paid in four years from the 1st day of January, 1866, the first instalment to be paid by the 1st January, 1857, and the fourth and last by the 1st of January, 1870.

Sec. 2nd. This act shall not apply to executions for costs, nor to rules against officers for money, nor to any process issued against persons holding money or effects as bailees, nor to cases where defendants have absconded, are absconding, or have removed, or are removing their property, or fraudulently conveying, secreting, or concealing the same, to avoid the payment of their just debts.

Sec. 3. All statutes of limitation, relating to liens affected by this act, shall be suspended during the continuance of the act.

Sec. 4th. Any officer or other person violating this act, shall be guilty of trespass, and liable to the defendant in damages as in other cases of trespass.

Sec. 5th. Any security upon any debt or demand for which executions may have or may be issued, during the continuance of this act, shall have the right, with or without the consent of the plaintiff, to cause a levy and sale to be made whenever the principal defendant shall bring himself within the provisions of the 2nd section of this act.

Sec. 6th. Whenever any plaintiff or security shall attempt to have an execution levied for any of the causes stated in

the 2nd section, the defendant may stay the said execution by filing with the levying officer his affidavit, denying the existence of said cause, and in giving bond and security in double the amount of the execution, conditioned to pay the plaintiff the amount due on said execution, during the four years as hereinbefore provided for in other cases, and when the defendant is unable to give security, he may make his affidavit of inability, as provided for in cases of appeals in section 3563 of the Code of Georgia.

Sec. 7th. All laws and parts of laws militating against this act are hereby repealed.

Mr. J. A. W. Johnson gave notice that he would present at the proper time a substitute for all the bills reported on the subject.

Mr. Simmons moved that the bills and substitute be referred back to the Judiciary Committee, which motion was lost.

On motion of Mr. Moore, 50 copies of the several substitutes were ordered to be printed for the use of the Senate.

Mr. Moore moved that the bills and substitutes be made the special order for Thursday next, which motion was agreed to.

On motion, 50 copies of the substitute referred to by Mr. J. A. W. Johnson were also ordered to be printed.<sup>1</sup>

The Senate took up the report of the Committee of the Whole on the "bill to require persons owning land in this State in counties in which they do not reside, to register their names and residence, together with the number of their land, the district and section in which it is located, in the Clerk's office of the Superior Court in the county where the land lies, and for other purposes," for which the Judiciary Committee had reported a substitute.

The Finance Committee, to whom this bill and substitute was referred, recommend the passage of the original bill, with an amendment, to strike out "10 cents" in the 7th section, and insert "twenty cents."

The amendment was agreed to.

The report of the Committee as amended was disagreed to.

The substitute reported by the Judiciary Committee was adopted in lieu of the original.

The report of the Committee as amended was agreed to, the bill was read the third time and passed, under the amended title, to-wit :

A bill to be entitled an act to amend the tax laws of this State, and to define the duties of the Receivers of tax returns, and the Comptroller General, in certain cases.

The following message was received from His Excellency, the Governor, by Mr. Williams, his Secretary, to-wit :



*Mr. President* :—The Governor has approved and signed the following acts, to-wit :

*An act* to repeal an act assented to on the 21st day of December, 1857, requiring the Court of Ordinary of Tattall county to be held on the 2nd Monday in October, instead of 1st Monday, as provided for by law.

*An act* to alter and amend the 10th paragraph, of the 2nd article, part 1st, title 16th, chapter 5th, of the Code of Georgia.

*An act* to change the line between Worth and Irwin Counties, so as to include No. 30, 2nd District of Irwin, in Worth County.

The Senate took up the report of Committee of the Whole on the bill to authorize the Justices of the Inferior Courts, of the several Counties of this State, to borrow money on the faith and credit of their respective Counties, and for other purposes therein mentioned.

A similar bill having been already passed, the Judiciary Committee reported adversely to its passage.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill to alter and amend sections 585, 594, 602, and to repeal section 588 of the Code of Georgia.

The Committee on Internal Improvements, to whom the bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to authorize the use of the water power on the reserve at Indian Spring, with the privilege of building Saw and Grist Mills thereon.

The Judiciary Committee, to whom this bill was referred, propose to amend by inserting the words "twenty years" in the place of the words "sixty years," and with this amendment, they recommend its passage.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed, by a constitutional majority.

Those who voted in the affirmative are Messrs :

Bedford, O. P. Bell, Black, Bower, Brown, Butler, Carter, Casey, Crawford, Daley, Dickey, England, Ezzard, Freeman, Gholston, Griffin, J. A. W. Johnson, J. F. Johnson, Kenan, Manson, Moore, Overstreet, Owens, Parris, Patterson, Quillian, Redding, Russell, Simmons, C. H. Smith, O. L. Smith, Strozier, Thornton, Turner, Wilcox.

Those who voted in the negative are Messrs:

Barwick, Fuller, Gresham, McDaniel.

Yeas 35, Nays 4.

So the bill was passed by a constitutional vote.

The Senate took up the report of the Committee of the Whole on the bill to increase the salary of the Superintendent of the Western and Atlantic Rail Road.

Mr. Moore moved to amend by striking out the words "six thousand" and inserting "five thousand," which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. O. P. Beall, the rules were suspended, and a memorial from Edward R. Harden was read and referred to the Committee on Petitions.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, FEB'Y 3RD, 1866.

The Senate met pursuant to adjournment and was opened with prayer.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the bill for the relief of securities on recognizances in certain cases, to which the House of Representatives proposed the following amendments, to-wit:

By striking out in the fifth line from the bottom of the bill the word "shall" and insert "may in the discretion of the Court", and after the words "liabilities of the same" on the third line from the bottom insert the words "upon full payment of all costs which may have accrued up to the time of the release of said securities".

On motion of Mr. Moore, the amendments were concurred in.

Leave of absence was granted to the Senator from the 13th district, for a few days, on important business.

Mr. Black submitted a memorial from the Mayor and City Council of the City of Americus, which was read, and on motion referred to the Committee on Petitions.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following Senate bills, to-wit:

A bill to be entitled an act to amend the charter of the

City of Rome by authorizing the Mayor and Council to raise the fee for retail license and to prohibit the erection of wooden buildings.

Also, a bill to be entitled an act to authorize and empower the Judges of Superior Courts of this State, to hold special terms for the trial of criminals and for other purposes.

Also, a bill to be entitled an act to change the time when the Justices of the Inferior Court must draw Juries for the Superior Courts and to legalize the holding of certain Superior Courts.

Also, a bill to be entitled an act to repeal an act entitled an act to extend the civil jurisdiction of the City Courts of Augusta, to abolish the tax, or Court fee, and to make the fees of the officers of that Court the same as in the Superior Courts of this State, assented to March 9th, 1865, a substitute to the last being passed in lieu of the original, in which the concurrence of the Senate is requested.

Also, a bill to be entitled an act to amend an act entitled an act to incorporate the Georgia and Alabama R. R. Company and to grant certain powers and privileges to the same, passed February 18th, 1854. A substitute to this bill has been passed, in which the concurrence of the Senate is requested.

The House of Representatives have passed the following bills, to-wit :

An act to alter and amend paragraph 1232 of chapter 2d, of the revised Code of Georgia.

Also, an act to change the time of holding the Courts of Ordinary of this State.

Also, an act for the relief of the Muscogee Building and Loan Association, and the Columbus Building and Loan Association.

Also, an act to reduce the bonds of the Sheriffs of Forsyth county.

Also, an act to authorize the Justices of the Inferior Court of the county of Heard, to levy and collect a tax for certain purposes.

Also, an act to incorporate the town of Wrightsville, in the county of Johnson ; to appoint Commissioners for the same, and for other purposes therein mentioned.

Also, an act to authorize the Inferior Court of the county of Lumpkin, to levy an extra tax for the purpose of building a jail, upon the recommendation of the Grand Jury of said county.

Also, an act to legalize the acts of John C. Wells, and all other persons in this State, acting as Ordinaries, under commissions from His Excellency, James Johnson, Provisional Governor.

On a call of the roll, the following bills were introduced and read the first time; to-wit:

By Mr. Butler, a bill for the relief of maimed Soldiers, who are citizens of Georgia.

Also, a bill to amend an act entitled an act to authorize married women to deposit money in Savings Banks or institutions now chartered or which may be chartered by this State, and for other purposes, assented to Dec. 16th, 1861.

By Mr. England, a bill to incorporate the Blairsville Mining and Manufacturing Company.

By Mr. Ezzard, a bill to allow the Inferior Court of the county of Forsyth to retain the State tax of said county for the years 1866, and 1867, for the rebuilding of the Jail of said county, and other county purposes.

By Mr. Gresham, a bill to carry into effect the 6th section of the 2nd article of the Constitution of this State, to prescribe the mode by which private corporations may be created by the Courts, and for other purposes.

Also, a bill to alter and amend the section 3320 of the Code of Georgia, in relation to bail in civil cases.

By Mr. Moore, Chairman of the joint Judiciary committee, a bill to prescribe and regulate the relation of husband and wife among persons of color, in this State, and for other purposes.

Also, a bill to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

Mr. Casey submitted a memorial from the Inferior Court of Jefferson county, which was read, and on motion referred to the committee on Finance.

Mr. Moore, Chairman of the joint committee on the Judiciary, made the following report:

*Mr. President:*—The standing committees of the Senate and House of Representatives, to whom was referred the Code of laws reported by Eben'r Starnes, L. E. Bleckley, Wm. Hope Hull and Samuel Barnett, Esqrs, Commissioners appointed by the recent Convention, have in joint session, considered that portion of the same, relative to the relation of husband and wife, and of parent and child, and recommend it, in both cases, be made the law, and for that purpose, direct me to report the following bills, to-wit:

A bill to be entitled an act to prescribe and regulate the relation of husband and wife, among persons of color, in this State, and for other purposes.

And a bill to be entitled an act to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

B. B. MOORE,  
Chairman joint Judiciary Committee.

The Senate took up the special order, which was the consideration of the report of the committee of the whole, on the bill to prevent the spread of Small pox in this State.

Mr. Carter offered the following, as an amendment, to-wit :

And when such debts are so paid off and satisfied, it shall be the duty of His Excellency the Governor, upon the certificate by the Inferior Court of the county of such payment, to draw his warrant upon the Treasury of the State for such sum so expended, to be refunded to such county, provided that said amount does not exceed the sum of fifty dollars for each case of Small pox so cared for, by such county.

The amendment was disagreed to.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Kenan, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the report of the committee of the whole on the bill to sell the lands belonging to the State in the Okefenokee Swamp.

The committee on Internal Improvements, to whom the bill was referred, recommend that the same do not pass.

Mr. Overstreet reported the following, as a substitute, to-wit :

A bill to be entitled an act to dispose of the surveyed and unsurveyed lands belonging to the State of Georgia, lying in and around Okefenokee Swamp, and for other purposes.

Section 1st, *Be it enacted by the General Assembly of the State of Georgia*, That His Excellency the Governor of this State, be and he is hereby authorized and required to sell at public outcry to the highest bidder, all the surveyed lands belonging to the State of Georgia, lying in and around Okefenokee Swamp ; having first advertised said lands for sixty days in three or more of the public Gazettes of this State.

Sec. 2d, *Be it further enacted by the authority aforesaid*, That His Excellency the Governor be and he is hereby authorized and required to sell all the unsurveyed lands belonging to the State of Georgia, lying in and around Okefenokee Swamp ; having first advertised said lands for ninety days in three or more of the public Gazettes of this State.

Sec. 3d, *Be it further enacted by the authority aforesaid*, That the sales of the surveyed lands authorized by this act shall take place at the Court House in the county where the lands lie, and the sale of the unsurveyed lands shall take

place at the capital of the State, and the venders of all sales under this act shall be the Sheriff of the county where the sale takes place, and he shall receive such compensation for his services as is now allowed by law for similar services to the various Sheriffs of this State.

Sec. 4th, *Be it further enacted by the authority aforesaid,* That the payment for said lands shall be as follows: one fifth cash, and one fifth at the end of each twelve months thereafter, till the whole is paid, and shall be paid directly into the State Treasury. And no grant or titles shall issue from the State to any of said lands, till all the purchase money has been paid; Provided, That a failure or refusal to pay the first or any future installment of the purchase money for a period of thirty days after such installment shall have become due, shall work a forfeiture of all title or claim such defaulting purchaser may have, and the lands so failing to be paid for shall revert to the State, and the Governor may in his discretion re-advertise and re-sell said reverted lands.

Sec. 5th, All conflicting laws are hereby repealed.

On motion of Mr. Overstreet, the bill and substitute were referred to the committee on Internal Improvements.

The Senate took up the report of the committee of the whole on the bill for the relief of maimed soldiers of the State of Georgia, and for other purposes.

On motion of Mr. Gholston, the same was withdrawn.

The Senate took up the report of the committee of the whole, on the bill for the relief of John Long, John B. Bailey, John Bodahan, and Thomas Bonner, Sen'r.

The Judiciary committee, to whom this bill was referred reported the following as a substitute, to-wit:

A bill to be entitled an act to relieve securities upon bonds for criminal offenses committed during the war with the United States upon certain conditions.

*Be it enacted,* That from and after the passage of this act, all securities in this State upon bonds for criminal offenses committed before or during the late war with the United States, shall be released and relieved from the payment of said bonds upon the following conditions: when it shall appear to the presiding Judge, that the criminal entered the service of his country and has never returned, or has left the county on account of duties performed or circumstances growing out of the late war, or when by reason of the public duties required of the security, he was prevented from taking charge of his principal or preventing his escape, or from the disorganized condition of the country, the security was hindered or prevented from surrendering his principal, said security shall be relieved.

All acts conflicting against the provisions of this are hereby repealed.

The substitute was adopted in lieu of the original.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the following title, to-wit :

A bill to be entitled an act to relieve securities upon bonds for criminal offences committed during the war with the United States, upon certain conditions.

The Senate took up the report of the committee of the whole, on the bill to amend the charter of the town of Athens.

The Judiciary committee to whom this bill was referred reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to amend the 2466th paragraph, part 2d, title 6th, chapter 3rd, of the Code.

On motion of Mr. Daley, the same was withdrawn.

The Senate took up the report of the committee of the whole, on the bill to repeal the 3778th section of the Code of this State, and to substitute another section therefor.

The Judiciary committee to whom this bill was referred recommend that the same be passed.

On motion of Mr. Strozier, the same was made the special order for Monday the 5th inst.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Savannah Steamboat Company.

The Judiciary committee to whom this bill was referred, recommend that the same be passed.

On motion of Mr. Strozier, the seventh section was stricken out.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the committee on enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to change the time when the Justices of the Inferior Court must draw Juries for the Superior Courts, and to legalize the holding of certain Superior Courts.

An act to amend the charter of the City of Rome by authorizing the Mayor and Council to raise the fee for retail license and to prohibit the erection of wooden buildings.

An act to authorize and empower the Judges of the Superior Courts of this State to hold special terms for the trial of criminals, and for other purposes.

An act for the relief of securities on recognizances in certain cases.

The Senate took up the report of the committee of the whole, on the bill to compensate Ordinaries and Clerks of the Superior Courts for administering amnesty oaths.

The Finance committee to whom this bill was referred reported the same back to the Senate, requesting that its constitutionality be first enquired into by that body.

Mr. Simmons moved to lay the bill on the table for the balance of the session.

On motion of Mr. Gresham, the bill was laid on the table for the present.

Mr. Bedford moved that the Senate adjourn until Monday morning at 10 o'clock, which motion was lost.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Planters Loan Association.

The Finance committee to whom this bill was referred, reported the same back to the Senate, with the recommendation that it be referred to the Judiciary committee, which was agreed to.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Savings Bank of Augusta.

The committee on Banks, to whom this bill was referred, propose to amend the same by striking out the fifth section, and with this amendment they recommend its passage.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

On motion of Mr. Carter, the rules were suspended, and the following bill was read the second time, and referred to the Judiciary committee, to-wit:

A bill to amend the several laws of this State, regulating the administration of estates of deceased persons in certain cases therein mentioned.

On motion the Senate adjourned until Monday morning, at 10 o'clock.



MONDAY, FEBRUARY 5TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Manson, of the Senate.

Mr. J. A. W. Johnson, Chairman of the joint committee appointed to take into consideration that portion of his Excellency's Message, relating to the Cotton Card Factory, submitted the following report:

We find the partnership transactions between the State and Messrs. Divine, Jones and Lee, much complicated, and that it would require more time than your committee can possibly devote, to ascertain how the business of the partnership stands. We find on hand 12 machines complete—one incomplete—4330 card shuts—2408 on backs—2400 lbs. card wire—150 sheep skins, some damaged, 1 engine boiler, 1 iron safe, and divers other articles of but little value. We also find the company owes debts and has had considerable dealings with the Penitentiary.

We herewith submit a joint resolution which we respectfully ask to be passed at once, as it looks to a speedy winding up of said partnership.

*Resolved by the Senate and House of Representatives of the State of Georgia,* That his Excellency the Governor, be authorized and required to appoint a commissioner, whose duty it shall be, with his Excellency's consent and approval, to make a full, fair, equitable and final settlement with the firm of Messrs. Divine, Jones and Lee, of all matters relating to or in any wise connected with the late Card Manufactory established and carried on in the Penitentiary of the State.

On motion of Mr. J. A. W. Johnson, the rules were suspended, and the foregoing resolution was taken up, read and agreed to.

On motion, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk of the same, the following acts:

An act to make all suits, writs and processes, which were returnable to Houston Superior Court, as of October term 1865, returnable to the February term of said Superior Court to be held in the year 1866.

Also, an act to prevent the spread of small pox in this State.

On motion the rules were suspended, and Mr. Strozier introduced the following bills, which were read the first time, to-wit:

A bill to extend the penal Code so as to include all persons of African descent, and repeal all laws in relation to slaves.

Also, a bill to establish the relations of husband and wife, master and servant, guardian and ward, and to define the term "negro".

On motion of Mr. Owens, 50 copies of the last mentioned bill, were ordered to be printed for the use of the Senate.

The rules being further suspended, Mr. Freeman introduced a bill to change and define the times of holding the Superior Courts of the several counties of the Western Judicial circuit, which was read the first time.

The Senate took up the special order, which was the consideration of the report of the committee of the whole, on the bill to repeal the 3778th section of the Code of this State, and to substitute another therefor.

Mr. Moore reported the following amendments, to-wit:

By inserting in the first section, the following, "so far only as it may be applicable in the trial of criminal prosecutions". Also, to insert in the second section the words, "in any criminal case which may hereafter be prosecuted in any Court of this State, having jurisdiction thereof".

The amendments were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to amend the 3188th section of the Code of the State of Georgia.

The Judiciary committee to whom this bill was referred recommend that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill to incorporate the North Georgia Mining and Manufacturing Company.

The committee on Internal Improvements to whom this bill was referred, proposed to amend the same by striking out the word "thirty", in the 8th section, and insert the word "twenty".

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills, to-wit:

An act to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers.

Also, an act to incorporate the Macon Canal and Water Works; to authorize the Mayor and Council of the City of Macon, to subscribe to the stock of said Company, to issue the bonds of said City to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

Also, an act to repeal paragraph 198S of article 3d, section 2d, of the revised Code of Georgia.

Also, an act to provide for the election of a town council for the town of Ringgold, in Catoosa county, in certain cases.

The House has also concurred in the Senate resolution in relation to the Card Factory, recently in operation in the Penitentiary of this State.

Mr. O. L. Smith, from the committee on enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate, and Speaker of the House of Representatives, a resolution authorizing the Governor to appoint a commissioner to make a full, fair, equitable, and final settlement, with the firm of Messrs. Divine, Jones and Lee, in relation to the Card Factory.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Cherokee Mining and Manufacturing Company.

The committee on Internal Improvements, to whom this bill was referred, proposed to amend the 8th section by striking out the word "thirty", and inserting the word "twenty".

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

Mr. Moore, Chairman of the joint committee on the Judiciary, made the following report:

*Mr. President:*—The standing committees on the Judiciary of the Senate, and House of Representatives, to whom was referred the Code of laws reported by the commissioners appointed by the recent Convention, have in joint session considered that portion of the same relative to master and servant, and direct me to report a bill to be entitled an act to regulate the relation between master and servant, and to define their liabilities, which a majority of the committee recommend be passed.

B. B. MOORE,

Chairman joint Judiciary committee.

The bill reported by the joint Judiciary committee to regulate the relation between master and servant, and to define their liabilities, was read the first time.

The following Message was received from His Excellency the Governor, by Mr. Williams, his Secretary, to-wit:

*Mr. President*:—I am directed by the Governor to return to the Senate, in which it originated, a resolution, for making valid, contracts between white men and freedmen, with a communication in writing:

On motion of Mr. Butler, the communication was taken up, and read as follows:

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, GA., February 1866. }

*To the Senate*:—I have before me for consideration, a resolution, originating in your body, for making valid, contracts between white men and freedmen.

Doubtless, the General Assembly, in adopting it, designed to benefit both parties equally, and to supply law, for the interval between the reorganization of the State Government, and the passage of general statutes, on the same subject, now progressing. But after careful consideration, my belief is, that such legislation, if not positively wrong, is of doubtful propriety, and entirely unnecessary.

The resolution is not exclusively prospective in its operation; it declares that "all contracts *made*, or to be made, between the white man and the freedman, shall be held good and binding on both parties", &c. It will be conceded, that no act of legislation can invalidate a good contract. Would it be more efficacious to give validity to an invalid contract?

If invalid when made, whether from incapacity of one of the contracting parties, from want of consideration passing to him, from fraud practiced upon him, or from any other cause, it is his right to be released from it; and by an express provision of our Constitution, retroactive legislation, injuriously affecting private right, is prohibited.

It is the province of the Judiciary, to inquire into and determine the validity, or invalidity of contracts; and this is done by applying to them general principles, and rules of law, existing when they were made. But this resolution provides, that *all* contracts, previously made, between parties of a certain description, "shall be held good and binding", meaning of course that they shall be so held by the Judiciary.

Were it intended (as I am sure it was not) that that branch of the Government should enforce them, regardless of the facts surrounding them, and the law entering into and

governing them, when made, such intention would be wholly wrong, and could not be carried into effect. If on the other hand, the resolution introduces no new rule, for the government of the Courts, it is unnecessary, and objectionable, because it may mislead.

There can be no doubt of the capacity of both the parties described, within the usual range of their contracts.

If there be defect of capacity in either, regarding any particular class of contracts, let that defect be cured by prospective legislation ; but leave the consequences of their past dealings to be determined by the Courts. Such is the usual, and the safer rule.

Influenced by these views, I return the resolution, with my dissent, and respectfully ask its reconsideration.

CHARLES J. JENKINS, Governor.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Kenesaw Mining Company of Georgia.

The committee on Internal Improvements to whom this bill was referred, reported the same back to the Senate, and propose the following amendment, to-wit ;

By striking out the 9th and 10th sections, and add the following section :

*“ And be it further enacted, That this act shall be and continue in force for the term of twenty years, from and after the date of its passage”, and with this amendment, they recommend that it be passed.*

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to incorporate the Home Insurance Company.

The Judiciary committee to whom this bill was referred, recommend its passage, with the following amendment, to-wit :

To change the second section so as to allow the Company to commence the business when 25 per centum of its capital has been paid up, instead of ten per centum, as proposed by the bill.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to repeal the second section of an act en-

titled an act to provide for the payment of officers presiding at the polls on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to repeal the 2635th section of the Code, and to substitute another in lieu thereof.

The Judiciary committee to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to amend an act to incorporate the town of Smithville, in Lee county, and to confer powers on the same.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the rules were suspended, and Mr. Owens reported the following resolutions, to-wit :

*Resolved by the General Assembly, That His Excellency the Governor be requested to communicate with the proper officer of the United States, and ascertain whether the bonds of the State will be received in payment of the taxes assessed by the Government against the State, and if they will be received, that he be authorized at once to issue such bonds as may be necessary to meet the same, and apply them to the liquidation of the said tax.*

*Resolved further, That if said bonds are accepted, all citizens of this State who may have already paid said tax, shall upon filing in the office of the Comptroller General a certificate from the revenue officer of the sum collected, from them be entitled to be refunded out of the Treasury the amount respectively paid by them.*

On motion, the rules were suspended and the resolutions were taken up, read and agreed to.

On motion the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the report of the committee of the whole, on the bill of the House, for the relief of the Savannah Mutual Loan Association.

The committee on Banks, to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to change and fix the time of holding the January term of the Courts of Ordinary in this State, from the second Monday in said month, as now fixed by law, to the first Monday in January, in each year.

The Judiciary committee to whom this bill was referred, recommend that it be passed.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House to amend section 4564 of the Code.

The Judiciary committee, to whom this bill was referred, recommend that it be passed.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to change the line between the counties of Early and Miller.

The committee on new Counties and County lines, to whom this bill was referred, reported favorably to its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to authorize the Phoenix Loan and Building Association, and the Union Loan and Building Association, of Atlanta Georgia, to resume business and carry on, or close up said Associations.

The Finance committee, to whom this bill was referred, recommend that it be passed.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the bill to amend an act to incorporate the Georgia and Alabama Rail Road Company, and to grant certain powers and privileges to the same, passed Feb'y 18th, 1864, which the House of Representatives had passed by a substitute.

On motion of Mr. Moore, the same was referred to the committee on Internal Improvements, without being read.

The rules being suspended, the Senate took up the bill to repeal an act to extend the civil jurisdiction of the City Courts of Augusta, to abolish the tax or Court fee, and to make the fees of the officers of that Court the same as in the

Inferior Courts of this State, assented to March 9th 1865, which the House of Representatives passed by a substitute.

On motion the amendment was concurred in.

The Senate took up the report of the committee of the whole, on the bill of the House, to repeal all laws heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors.

The Judiciary committee to whom this bill was referred recommend that it be passed.

The report of the committee was disagreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole, on the bill of the House to authorize persons who are unable to work, to retail spirituous liquors, and to peddle without paying license fee and for other other purposes.

The Judiciary committee to whom the bill was referred, reported against its passage.

The report was agreed to and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House, to carry into effect a portion of the third paragraph of the first section, of the fourth article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the City Courts of the Cities of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes.

The Judiciary committee to whom the bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House to amend and alter section 4321 of the Code of Georgia.

The Judiciary committee to whom the bill was referred, recommend its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to amend an act incorporating the town of Quitman, Brooks county, and to confer additional powers upon the Commissioners of said town, and to prescribe qualifications of officers and voters of said town.

The committee on Internal Improvements, to whom this bill was referred, reported favorably to its passage.



The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to alter and amend section 2102, and paragraph 3, of section 1980, of the Code of Georgia.

The Judiciary committee to whom this bill was referred, reported adversely to its passage.

The report was agreed to and the bill was lost.

The following Message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*:—I am instructed to inform the Senate that the House of Representatives have adopted the following resolutions of the Senate, to-wit:

A resolution to authorize the Governor to prosecute the claim of this State for cotton lately seized by the Federal Army.

Also, a resolution requesting the Governor to call upon the several Banks of this State, to make a return of their condition conformably to the law, now existing, within ten days.

The House of Representatives have also adopted the following joint resolutions, and ordered them transmitted forthwith to the Senate, to-wit:

A resolution to appoint a joint committee to draft a bill authorizing and establishing a Home, or Homes, for orphans; the committee on the part of the House, being Messrs. Ridley, Harrison, Hill, Starr, Dawson, Alexander and Lawson.

Also, a resolution relating to the commissioners appointed by the late Convention, to investigate the condition of the Finances of this State, from 1861.

On motion of Mr. Butler, the rules were suspended, and the following bill was read the second time, and referred to the Finance committee, to-wit:

A bill for the relief of maimed soldiers, who are citizens of Georgia.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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TUESDAY, FEBRUARY 6TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Brooks.

Mr. Bedford moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to repeal all laws heretofore passed prohibiting the distillation of corn, wheat, rye, peas, &c., into spirituous liquors, which motion was agreed to.

On motion of Mr. Bedford, the bill was laid on the table for the present.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following resolutions, to-wit:

A resolution requesting the Governor to call upon the several Banks of this State, to make a return of their condition, conformable to the law now existing, within ten days.

A resolution to authorize the Governor to prosecute the claim of this State for cotton lately seized by the Federal army.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following report:

*Mr. President*:—The Committee, to whom was referred “a bill to be entitled an act to amend the 3984th and 3985th sections of the Code of Georgia,” have had the same under consideration, and recommend it do pass.

Also “a bill to be entitled an act to amend the several laws of this State regulating the administration of estates of deceased persons in certain cases therein mentioned,” and recommend it be passed.

And also “a bill to be entitled an act to incorporate the Planter’s Loan Association,” which they propose to amend by prefacing the 7th section with the following words, to-wit: “The principal office of said Association shall be in the city of Augusta, Ga., but,” and with the reception of said amendment, recommend the bill be passed.

B. B. MOORE,

Chairman.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bill, to-wit:

An act to exempt from Jury duty all active members of any incorporated Fire Company of this State.

Also the following resolutions have been adopted, to-wit:

A resolution instructing the Finance Committee to report “a bill remitting certain taxes.”

Also “a resolution requiring the Comptroller General to furnish certain information.”

On a call of the roll, the following bills were introduced and read the first time, to-wit :

By Mr. Brown, a bill to prevent the consumption of grain by distillers and manufacturers of spirituous liquors in this State, and to provide for the seizure and confiscation of distilleries.

By Mr. Ezzard, a bill to allow the Inferior Court of Milton County to retain the State tax of said County, for the years 1866 and 1867, for rebuilding the Jail of said County, and for other County purposes.

By Mr. Owens, a bill to amend the 3866th section of the Code.

Also a bill to amend the 3320th section of the Code of Georgia, and for other purposes.

Also a bill to define the rights of persons owning landings or timber yards, upon water courses in this State, to fix the rate of charges, and to authorize the collection of the same.

Also a bill to amend sections 4792 and 4793 of the Code of this State.

By Mr. C. H. Smith, a bill to authorize the Mayor and Council of the city of Rome, Ga., to issue change bills.

By Mr. Strozier, a bill to increase the fees of all State officers seventy-five per cent.

Also a bill to require and regulate the returns of all corporations in this State, and of agencies for foreign companies, &c,

Mr. Freeman submitted a memorial from J. S. Alexander, of Franklin County, which was read and referred to the Committee on Petitions.

Mr. Butler reported the following Resolution :

*Resolved*, That the Committee on Public Education be instructed to consider of, and enquire into the best mode of carrying into effect the 3rd clause, 5th section, 2nd article of the Constitution, and report at an early day.

Mr. O. P. Beall, Chairman of the Committee on Petitions, made the following Report :

The Committee, to whom was referred the Memorial of the Mayor and Council of the city of Americus, on the subject of Small Pox, report the same back to the Senate, with a request, that they be discharged from the further consideration of said Memorial, as the Senate has, at its present Session, passed a bill in reference to Small Pox.

Mr. Butler reported the following Resolution :

*Resolved, by the Senate and House of Representatives of the State of Georgia, in General Assembly met*, That the form of the enacting and repealing clauses of bills shall be as follows, to-wit :

*"The General Assembly of the State of Georgia do enact,"—*  
*"all laws in conflict with this act be and the same are hereby repealed."*

On motion of Mr. McDaniel, the Rules were suspended, and the Senate took up the Report of the Committee of the Whole, on the bill of the House to authorize the sale of the Exile Camp in Terrell County, Ga., and for other purposes.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Resolution authorizing the officers of the Western and Atlantic Rail Road to receive in payment for dues certain change bills.

On motion, the Resolution was agreed to.

On motion of Mr. J. F. Johnson, the Rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the Report of the Committee of the Whole on the bill to amend the several laws of this State, regulating the administration of estates of deceased persons, in certain cases therein mentioned.

The Judiciary Committee, to whom this bill was referred, recommend that the same be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following act, to-wit :

An act to amend an act assented to March 9th, 1865, entitled an act to extend the Civil Jurisdiction of the City Court of Augusta, to abolish the tax or Court fee, and to make the fees of the Officers of that Court the same as in the Superior Court of this State.

The following message was received from His Excellency, the Governor, by Mr. Williams, his Secretary, to-wit :

*Mr. President:*—I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying documents.

The Message was then read, as follows :

EXECUTIVE DEPARTMENT,  
 MILLEDGEVILLE, GEORGIA,  
 February 6th, 1866. }

*To the General Assembly :*

With this communication, I transmit copies of the proceedings of the Stockholders of the Bank of Augusta, the Augusta Insurance and Banking Company, the City Bank, and the Mechanic's Bank, located in the city of Augusta.

It will be seen that the two former make positive surrenders of their charters; that the two latter have taken initiatory steps to the same end, and that they all have provided for the assignment of their assets, real and personal, for the benefit of their creditors; that act having been, at the date of their communication, completed by the President and Directors of the Augusta Insurance and Banking Co.

You are well aware of the legislation of your predecessors, alluded to in resolutions of the stockholders, and of the action taken by the Executive, by authority of that legislation.

It is not questioned, I believe, that these Banks, and those of the State generally, were, at the commencement of the late war, in a sound condition, carrying on, within the limits of their several charters, a legitimate banking business.

There is abundant reason to believe, that but for the large accumulation in their hands of State securities of different kinds, which were repudiated by the late State Convention, under pressure of Federal authority, and of irredeemable Confederate Treasury notes, to which accumulation they were constrained to submit, by an unusual and rigorous State policy, they would be in a condition to meet all their liabilities.

If the existence of these facts be doubted, the truth of the case may be elicited by scrutiny into their management. If the recitals in their proceedings, herewith transmitted, be true, they present a strong claim upon the justice of the State, for such relief as it may be competent for the General Assembly to extend. Certainly it would seem reasonable and beneficial, as well to them, as to their creditors, that they be allowed to go into liquidation, under such restrictions as may avoid protracted and harrassing litigation, without impairing any security, provided by their several charters, for billholders and other creditors. I cannot dismiss the subject, without remarking, that if, by conforming their conduct to statutory requirements, the Directors and other officers have been placed in a situation, which, if voluntarily assumed, would have subjected them to penalties imposed by prior legislation, *justice, (not charity,)* would suggest entire and prompt relief from those penalties. This just measure of exemption from punishment, where there is no guilt, could work no possible injury to creditors.

These remarks are predicated upon the statements made in the accompanying papers, and are intended to apply not only to the Banks above named, their Directors and officers, but to all others similarly situated. I commend the whole subject to your just and wise consideration.

I also communicate to the Senate, for the use of both bodies in turn, a memorial from a Convention of Freedmen, said to have been held in the city of Augusta. Very many

of the subjects embraced in it, have already been submitted to your consideration, and are now engaging your attention.

On the whole subject of their status—their relation to the body politic—the large measure of protection and encouragement to which they are entitled, and the confidence I feel in your purpose, to do all in the premises, that statesmanship and philanthropy may require, I have already conferred freely with you.

I herewith lay before the House of Representatives, for the use in turn of both bodies, the final report of the Georgia Relief and Hospital Association, from which, I think, you will find that the complicated and difficult trust undertaken by that body, has been discharged with commendable energy and fidelity. The two documents last referred to, are so voluminous, that with the existing pressure upon the officers of this Department, copies could not be made of them without inconveniently delaying their transmission; and hence the course adopted.

By the act of the Congress of the United States, passed 5th August, 1861, for the raising of internal revenue, the direct tax assessed upon the State of Georgia, is five hundred and eighty four thousand, three hundred and sixty seven, and one third dollars, (\$584,367 33-100.)

One of the provisions of this act authorizes the assumption by the States severally, of the collection and payment of their respective quotas, and upon such assumption and payment, a deduction of fifteen per cent. (15 pr. ct.) without further legislation only the tax of one year will now be collected, and the process of collection in Georgia, from the people directly, has commenced, though but little progress has been made in it.

Several of the Northern and Western States have, as I am informed, actually assumed its collection and payment.

My information is, that the Secretary of the Treasury declines, without express legislation on the point, to permit this assumption by the States lately hostile to the United States.

Such legislation may, during the present session, be entertained by the Congress, and although in our present status, we shall, standing without, witness a practical separation between the power of taxation and the privilege of representation, hitherto considered correlative and inseparable in free governments, we may indulge the hope, that whilst our voices are suppressed, our just claims will not be ignored. On this as on other points, patiently awaiting the prevalence of more liberal counsels, it is our part, as it is the unmistakable purpose of our constituents, to discharge our whole duty to the Government of the United States. Should the privilege be accorded, it may be after your ad-

jourment, and in that event, any action you may deem it proper to take on the subject, must necessarily be hypothetical.

Should our people, in their present exhausted condition, be called upon to pay this Federal tax in the course of the year, and another at or near its close, for the support of the State government, in the next political year, the burthen will fall heavily upon them.

In our present financial condition, it is apparent that whatever relief, whether temporary or permanent, you may determine to give, must be accomplished by extension of the State's credit. Should you incline to extend relief in some form, and feel no other embarrassment than that resulting from the uncertain action of the Congress, there are two alternatives, either of which would accomplish the object. *First*, you may authorize the Executive, in the event that the privilege be accorded to the State, to borrow, upon her bonds, a sufficient sum to pay the quota.

If this course be adopted, it would be expedient, without loss of time, by resolution, to request a grant of the privilege to assume, and a suspension of the collection directly from the people, until the question be determined by Congress.

Secondly, leaving the people to meet for themselves this Federal tax, you may relieve them from the payment of any State tax during this year, for the uses of the next, and rely upon a loan to supply that deficit. The material difference between the two expedients would be, that although upon either alternative, the people would be relieved from one tax, upon the second, they would have to meet the payment before realizing the fruits of the year's labor. Very far from countenancing the general policy of resorting to the credit of the State, rather than to the pockets of the people, for the support of the government, I yet feel, that a state of things, without a parallel in the past, and, I trust, in the future, may justify its present adoption, without giving it the dangerous authority of precedent. That state of things is simply this—on the one hand, a people, having their individual pecuniary resources temporarily exhausted by a protracted and deplorable war—on the other, a State, constituted of the same people, having large permanent resources, and very small indebtedness, and therefore entitled to abundant credit. Under such circumstances, can it be said, that the use of that credit, for the relief of such people, so suffering, would violate any principle of good government or sound policy? I have felt it my duty to ask your consideration of the subject.

Until the year 1864, the Reporter of the Supreme Court was required to publish his reports in bound volumes.

By the act of 21st March in that year, he was required

to publish them "in pamphlet form *instead* of in bound volumes."

There can be little doubt that this enactment was induced by the state of war, then existing, but it is not limited in duration, and without legislation, must continue to control that officer. In point of fact, the events of the war have unavoidably suspended all publication, which is felt as a serious inconvenience. But the reputation of the able and efficient officer, entrusted with that duty, gives ample guaranty that their publication will be speedily resumed, and punctually maintained. The dignity of that tribunal, as well as a wise economy, render proper, a return to the former mode of publication. I seriously doubt, however, whether at the present high prices of material and labor, bound volumes can be afforded at prices fixed in better times.

This matter requires legislation.

Respectfully submitted,

CHARLES J. JENKINS,

Governor.

On motion of Mr. Moore, 50 copies of the Governor's Message and the accompanying documents in reference to Banks, were ordered to be printed for the use of the Senate.

Mr. Moore moved further, that the documents in reference to Banks be referred to the Committee on Banks, and the Memorial of the Freedmen's Convention to the Judiciary Committee, without being read, which was agreed to.

The Senate took up the Report of the Committee of the Whole on the bill to incorporate the Planter's Loan Association.

The Judiciary Committee, to whom this bill was referred, propose to amend the 7th Section by adding the following words at the beginning of said Section, to-wit: "The principal office of said Association shall be in the city of Augusta, Georgia, but", and with this amendment, they recommend its passage.

The amendment was agreed to.

Mr. McDaniel moved to amend by striking out the words "such interest as may be agreed upon," and to insert the words "legal interest," wherever the words occur, whereupon the Yeas and Nays were required to be recorded, and are Yeas 21, Nays 12.

Those voting in the affirmative are Messrs:

Bedford, W. R. Bell, Bower, Brown, Dickey, England, Ezzard, Freeman Gholston, J. F. Johnson, Kenan, Manson, McDaniel, Moore, Redding, Simmons, O. L. Smith, Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs:

O. P. Bell, Butler, Carter, Casey, Fuller, J. A. W. John-



son, Owens, Parris, Patterson, Quillian, Russell, C. H. Smith.

So the motion was agreed to.

On motion, the bill was laid on the table for the balance of the session.

Mr. O. P. Beall, Chairman of the Committee on Petitions, made the following Report:

The Committee, to whom was referred the "Memorial of Edwin R. Hardin, security on a bond for the appearance of one Aaron Thornby, at the October Term of the Superior Court of Whitfield County, in the year 1863, upon which bond judgment was subsequently rendered," having had the same under consideration, submit the following Resolution, and recommend its adoption:

*Resolved by the General Assembly of the State of Georgia,* That the penalty of the bond given by Aaron Thornby, principal, and Edwin R. Hardin, security for the appearance of said Aaron Thornby, at the October Term of the Superior Court of the County of Whitfield, in the year 1863, and upon which judgment was rendered at the Spring Term of said Court, in the year 1864, be held and taken to mean Confederate States' currency, and the parties are hereby permitted and authorized to settle the same, by the value of said penalty, in specie or its equivalent in United States currency, and the presiding Judge of said Court is hereby required to make such order as justice and equity demand in the premises.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY, FEBRUARY 7TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Manson, of the Senate.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills, to-wit:

An act to alter and amend the 1st number of section 1954, 2nd article, part 2nd, title 3rd, chapter 2nd, of the Code of Georgia.

Also, an act to define certain acts of trespass, and make the same penal.

Also, a Resolution relating to the Penitentiary, in which the concurrence of the Senate is respectfully requested.

On motion the rules were suspended and Mr. J. A. W. Johnson reported the following Resolution :

*Resolved, by the Senate and House of Representatives, That the Commissioner appointed, or to be appointed by his Excellency the Governor to make final settlements of the State's interest in the Cotton Card Factory, be and he is hereby authorized by and with the approval of his Excellency, to sell and dispose of all such articles as may be awarded to the State, in said settlement, provided said articles or things cannot be profitably used by the Penitentiary, in that event said Commissioner shall turn over said articles to the Penitentiary, or such part thereof as may be needed by the Penitentiary.*

On motion, the rules were suspended, and the Resolution was taken up, read and agreed to.

On motion, the rules were suspended, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

On motion the rules were further suspended, and Mr. Strozier introduced the following bills, which were read the first time, to-wit :

A bill to divide the State into twenty Judicial Circuits, and to require the Superior Courts to be held four times a year.

Also, a bill for the discharge of insolvent debtors and the disposition of said insolvents' property.

Leave of absence was granted to the Senator from the 9th District, after to-morrow, on important business.

The Senate took up the Resolution instructing the Committee on Public Education to enquire into the best mode of carrying into effect the 3rd clause, 5th section, 2nd article of the Constitution.

On motion the Resolution was referred to the Committee on Public Education.

The Senate took up the Resolution relative to the enacting and repealing clause of bills.

On motion the same was referred to the Judiciary Committee.

The Senate took up the Resolution respecting the penalty of the Bond given by Aaron Thornby, principal, and E. R. Hardin, security.

On motion the Resolution was agreed to.

The Senate took up the Resolution of the House relating to the Commissioners appointed by the late Convention, to investigate the condition of the Finances of the State.

The Resolution was concurred in.

The Senate took up and concurred in the Resolution of the House requiring the Comptroller General to furnish certain information.

The Senate took up the Resolution of the House in reference to appointing a joint committee to draft a bill authorizing the establishing of a home for orphans.

On motion the Resolution was concurred in.

The Committee appointed under said Resolution consists of Messrs. J. F. Johnson, Butler, W. R. Beall, and J. A. W. Johnson.

The Senate took up the Resolution of the House instructing the Finance Committee to report a bill remitting certain taxes.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the 3984th and 3985th sections of the Code of Georgia.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Inferior Court of Pulaski County, to levy and collect an extra tax for the years 1866, 1867, and 1868, for the purpose of building a Court House and Jail in said County, upon the recommendation of the Grand Jury of said County.

On motion the same was laid on the table for the present.

Mr. O. P. Beall, chairman of the Committee on Petitions made the following Report :

The Committee on Petitions, to whom was referred a memorial of Jas. S. Alexander, of the County of Franklin, have had the same under consideration, instruct me to report the same back to the Senate with the recommendation that the prayer of the memorial be not granted.

The Senate took up the report of the Committee of the whole on the bill of the House, to alter and amend an act entitled an act to incorporate the town of Dawson, in the County of Terrell, and State of Georgia.

Mr. Moore moved to amend the second section by striking out the words "without regard to color," which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House granting certain privileges

therein named to the people living near the Western & Atlantic Rail Road.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill of the House to compensate the Petit Jurors of Wilcox County.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Justices of the Inferior Court of Elbert County, Georgia, to levy and collect a tax for County purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to alter the second and third Congressional Districts, so far as relates to the County of Schley.

On motion the bill was referred to the Committee on the Judiciary.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act assented to December 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said town, and to give the town council of said town certain powers hereinafter specified.

The following amendments were offered, with the view to the reference of the bill and amendments to the Judiciary Committee, to-wit :

By Mr. Moore :

*Be it further enacted*, That the City Council of Augusta shall have power to regulate the mode and manner of elections of councilmen in said city—to change the wards and equalize the same, or to create a new ward or wards, and also to regulate, reduce, or enlarge the salaries or fees of any of its officers.

Mr. Gholston moved to insert the following in lieu of the second section, to-wit :

Sec. 2nd, *Be it enacted*, That James S. Lamar, John A. Tanchard, Sidney P. Bruce, M. P. Deadwyler, and John T. McCarty, and their successors in office, be and they are hereby created a body corporate, under the name and style of the "Town Council of Elberton," and shall hold their office until the first Monday in January, 1867, and until their successors are elected, and qualified ; and on the first Monday in January, 1867, and on the first Monday in January annually thereafter, the persons resident within the corporate limits of said town, entitled to vote for members

of the General Assembly, shall meet and elect by ballot five persons who are entitled to vote at said elections, to fill the office of Town Council of Elberton, and they shall hold their office twelve months after the date of their election, and until their successors are elected and qualified. *Provided*, Nevertheless, the Town Council may, by Ordinance, appoint any other day than the first Monday in January for holding said elections; and an election may be held at any time during the year to fill the vacancies in said Council by giving two days notice of such election. Said elections shall be held by any two freeholders resident in said town, who shall take an oath to faithfully and impartially superintend such election. The persons receiving the highest number of votes shall be declared elected, and shall before entering on the duties of office, take and subscribe an oath to faithfully execute the duties of their office, and to support the Constitution of this State, and of the United States.

The bill and amendments were referred to the Judiciary Committee.

The following message was received from his Excellency the Governor, by Mr. Williams, his Secretary, to-wit:

*Mr. President*:—The Governor has approved and signed the following acts, to-wit:

An act to establish the seal to be used in the office of the Secretary of State.

An act to change the time when the Justices of the Inferior Courts must draw their Juries for the Superior Courts, and to legalize the holding of certain Superior Courts.

An act to amend the charter of the city of Rome, by authorizing the Mayor and Council to raise the fee for retail license, and to prohibit the erection of wooden buildings.

A act for the relief of securities on recognizances in certain cases.

An act to authorize and empower the Judges of the Superior Courts of this State, to hold special terms for the trial of criminals, and for other purposes.

An act to confer certain powers on the Commissioners of Louisville, and for other purposes.

An act to permit certain persons to build stock gaps on the Western & Atlantic Rail Road.

An act to amend an act assented to March 9th, 1865, entitled an act to extend the jurisdiction of the City Court of Augusta—to abolish the tax or Court fee, and to make the fees of the officers of the Court the same as in the Superior Courts of this State.

Also, the following Resolutions, to-wit:

A Resolution requesting the Governor to call upon the several Banks of this State to make a return of their condition, conformable to the law now existing, within ten days.

A Resolution authorizing the Governor to prosecute the claim of this State for cotton lately seized by the Federal Army.

A Resolution in relation to the Card Factory recently in operation in the Penitentiary of this State.

The Senate took up the report of the Committee of the whole on the bill of the House to prescribe the oath to be administered to voters for members of the General Assembly, Governor of this State, members of Congress, and County officers.

The Judiciary Committee, to whom this bill was referred, proposed to amend by adding the words "Judges of the Superior Courts, State's Attorney, and Solicitor's General," after the words "members of Congress," in both the title and body of the bill, and with this amendment they recommend its passage.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—I am instructed to inform the Senate that the House of Representatives have agreed to the Senate Resolution in reference to a final settlement of the State's interest in the Cotton Card Factory, and the same is ordered to be returned forthwith to the Senate.

The House of Representatives have also adopted the following Resolution, and ordered it to be sent forthwith to the Senate, and in which the concurrence of the Senate is respectfully solicited, to-wit :

"Resolution providing for the appointment of a joint committee to examine into the proceedings of the Board of Directors appointed for the Western & Atlantic Rail Road, by the Provisional Governor."

The following named gentlemen are the Committee on the part of the House : Messrs. Kirby, Glenn, and Colley.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and Speaker of the House of Representatives, the following Resolution, to-wit :

"A Resolution in reference to a final settlement of the State's interest in the Cotton Card Factory."

The following bill was read the second time and referred to the Committee on Internal Improvements, to-wit :

A bill to incorporate the Blairsville Mining and Manufacturing Company.

The following bills were read the second time and severally referred to the Committee on Banks, to-wit :

A bill to repeal all laws and parts of laws whereby any Bank of this State, or the stockholders thereof may be compelled to pay any debt created with a view to the maintenance of the war between the United States and the late Confederate States, to release the Banks of this State and the Stockholders thereof, from all obligation to pay any such debt, and to settle a rule of evidence in such cases.

A bill for the relief of the Banking Institutions of this State, and the Stockholders, and to repeal certain sections of the Code of Georgia.

The following bills were read the second time and severally referred to the Finance Committee, to-wit:

A bill to allow the Inferior Court of the County of Forsyth to retain the State tax of said County, for the years 1866 and 1867, for the rebuilding of the Jail of said County, and for other County purposes.

A bill to increase the fees of all State officers seventy-five per cent.

A bill to allow the Inferior Courts of Milton County to retain the State tax of said County for the years 1866 and 1867, for rebuilding the Jail of said County, and for other County purposes.

The following bills were read the second time, to-wit:

A bill to alter and amend an act to constitute the town of Cuthbert, Randolph County, a city, to provide for the election of officers, to define the powers of the several officers of said city, as well as of said corporation, to extend the limits of Cuthbert, and for other purposes, assented to December 19th, 1859.

A bill to regulate the relation between Master and Servant, and to define their liabilities.

A bill to organize a County Court for the several Counties of this State, and to define its powers and jurisdiction.

A bill to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

A bill to authorize the Inferior Court of Camden County to regulate and prescribe the rates of ferriage in said County, and for other purposes.

A bill to amend an act entitled an act to authorize married women to deposit money in Savings Banks, or institutions now chartered, or which may be chartered in this State, and for other purposes, assented to December 16th, 1861.

A bill to prevent the distillation of grain, and for other purposes.

A bill to prescribe and regulate the relation of Husband and Wife among persons of color in this State, and for other purposes.

The following bills were read the second time and severally referred to the Judiciary Committee, to-wit:

A bill to amend the 3866th section of the Code.

A bill to authorize the Mayor and Council of the City of Rome, Ga., to issue change bills.

A bill to amend sections 4792 and 4793 of the Code of this State.

A bill to amend the 3320th section of the Code of Georgia, and for other purposes.

A bill to establish the relations of husband and wife, master and servant, guardian and ward, and to define the term negro.

A bill to extend the Penal Code so as to include all persons of African descent, and to repeal all laws in relation to slaves.

A bill to change and define the times of holding the Superior Courts in the several Counties of the Western Judicial Circuit.

A bill to alter and amend the 3320th section of the Code of Georgia, in relation to bail in civil cases.

A bill to carry into effect the 6th section of the 2nd article of the Constitution of this State, to prescribe the mode by which private corporations may be created by the Courts, and for other purposes.

A bill to regulate the proceedings in winding up the insolvent Banks of this State, to provide for the distribution of their assets, and the mode of proceeding against the Stockholders thereof, for their ultimate personal liability for the redemption of their bills, and other obligations under their charters respectively, and to relieve the officers from certain pains and penalties.

A bill to establish rules of evidence and of equity for carrying into effect, as to unexecuted contracts, the provisions of an ordinance passed by the last Convention of the people of Georgia, entitled an Ordinance to make valid private contracts, entered into and executed during the war against the United States; and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed; and to authorize settlements of such contracts by persons acting in a fiduciary character.

A bill to repeal such parts of all laws as impose a personal liability on the Stockholders of Banks in this State, for the payment of the debts or the redemption of the bills of such Banks.



A bill to define the rights of persons owning Landings, or Timber Yards, upon water courses of this State; to fix the rate of charges, and to authorize the collection of the same.

A bill to require and regulate the returns of all corporations in this State, and of agencies for foreign companies, &c.

The following bills of the House of Representatives were read the first time, to-wit:

A bill to authorize Artemesia A. E. Jones, wife of James M. Jones, of Bibb County, to receive any property she is or may hereafter be entitled to by inheritance or otherwise, where the same is not limited over, in the same manner as though she were a *feme sole*.

A bill to incorporate the "Macon Canal and Water Works"; to authorize the Mayor and Council of the city of Macon, to subscribe to the stock of said Company, to issue the Bonds of said city to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

A bill to incorporate the town of Steadman, in the County of Newton, and to confer upon the citizens of said town the privilege of electing Commissioners, with certain rights and powers therein enumerated.

A bill to incorporate the town of Wrightsville, in the County of Johnson, to appoint Commissioners, and for other purposes therein mentioned.

A bill to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers.

A bill to provide a more summary mode for the enforcement of Mechanics' lien in this State.

A bill to define certain acts of trespass, and make the same penal.

A bill to change the time of holding the Courts of Ordinary of this State.

A bill to alter and amend the first number of section 1954, 2nd article, part 2nd, title 3rd, chapter 2nd, of the Code of Georgia.

A bill to change the County line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthly, of the County of Crawford, in the County of Upson.

A bill to authorize the Inferior Court of the County of Lumpkin to levy an extra tax for the purpose of building a Jail, upon the recommendation of the Grand Jury of said County.

A bill to repeal paragraph 1988 of article 3rd, section 2nd, of the revised Code of Georgia.

A bill to exempt from Jury duty all active members of any incorporated Fire Company in this State.

A bill to alter and amend sections 4596, and 4597, of the Code of Georgia.

A bill to provide for the election of a Town Council for the town of Ringgold, in Catoosa County, in certain cases.

A bill to authorize the Justices of the Inferior Court of the County of Heard to levy and collect a tax for certain purposes.

A bill to legalize the acts of John C. Wells, and all other persons in this State acting as Ordinaries under commission from his Excellency James Johnson, Provisional Governor.

A bill to alter and amend paragraph 1232 of chapter second, of the revised Code of Georgia.

A bill for the relief of the Muscogee Building and Loan Association, and the Columbus Building & Loan Association.

A bill to reduce the Bonds of the Sheriffs of Forsyth County.

A bill for the relief of all persons who were bona fide soldiers of the army of the Confederate States, for acts done or committed under an order or orders from any officer of the same, also to release officers for any act done under orders from a superior officer.

A bill to compel the several Rail Road Companies of this State to furnish separate cars for persons of color.

A bill to authorize persons owning adjoining lands to build a joint fence between them, and to define the manner in which the same shall be kept up permanently, and protect the premises of each.

A bill to regulate testimony in case of common carriers.

A bill to allow attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia, by written argument, and for other purposes.

A bill to perfect service against Express Companies.

A bill to alter the Road laws of this State, and to amend the 585th, 588th, 594th, 602nd, and 604th sections of the Code of Georgia.

A bill to legalize marriages between first cousins, which may have been contracted since 11th December, 1863.

A bill for the relief of R. L. Haynes, M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P. Brown, R. A. Camp, and L. P. Brown, of Milton County, in this State, securities of B. Y. Handley, who was indicted under the name of Thomas Handley, at the March term of the Superior Court, eighteen hundred and sixty-five, for the offence of robbery.

A bill to make owners and possessors of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes.

A bill allowing the redemption of lands forfeited or sold

for taxes due the State, or any County or city thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs which may have accrued.

A bill to amend an act incorporating the town of Weston, Webster County, Georgia, passed March 6th, 1856.

The following bill of the House of Representatives was read the second time, and referred to the Finance Committee, to-wit:

A bill to fix the salaries of the Judges, and certain other officers in the State of Georgia.

On motion the rules were suspended and the Senate took up the Resolution of the House providing for the appointment of a joint committee to examine into the proceedings of the Board of Directors appointed for the Western & Atlantic Rail Road, by the Provisional Governor.

On motion the Resolution was agreed to, and the President appointed as said Committee Messrs. C. H. Smith and Quillian.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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#### THURSDAY, FEBRUARY 8TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Leave of absence was granted to the Senator from the 34th District, for a few days, on important business.

Mr. Smith, Chairman of the enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts:

An act to carry into effect a portion of the 3rd Paragraph of the 1st Section of the 4th Article of the Constitution of the State of Georgia, and to provide the mode of carrying cases from the City Courts of the cities of Savannah and Augusta, and such other like Courts as may hereafter be established, and for other purposes.

Also an act to amend the act incorporating the town of Quitman, Brooks County, and confer additional powers upon the Commissioners of said town, and to prescribe qualifications of officers and voters of said town.

Also an act to amend and alter section 4321 of the Code of Georgia.

Also an act to change the line between the Counties of Early and Miller.

Also an act for the relief of the Savannah Mutual Loan Association.

Also an act to change and fix the time of holding the January Term of the Courts of Ordinary in this State, from the second Monday in said month, as now fixed by law, to the first Monday in January in each and every year.

Also an act to authorize the Phoenix Loan and Building Association, and the Union Loan and Building Association, of Atlanta, Ga., to resume business, and carry on or close up said Association.

Also an act to amend section 4564 of the Code of Ga.

Also an act to authorize the sale of the Exile Camp in Terrell County, Georgia, and for other purposes.

Mr. Owens, from the Committee on Internal Improvements, made the following Report:

*Mr. President:*—The Committee on Internal Improvements, to whom certain bills were referred, have had the same under advisement, and instruct me to report as follows:

They have considered “a bill to be entitled an act to amend an act entitled an act to incorporate the Georgia and Alabama Rail Road Company, and to grant certain powers and privileges to the same, and for other purposes,” approved Feb. 18, 1854, passed in the House as a substitute for a similar bill passed in the Senate, and recommend that it do pass.

Also “a bill to be entitled an act to incorporate the Blairsville Mining and Manufacturing Company,” and recommend that it do pass.

Also “a bill to be entitled an act to sell the lands belonging to the State in the Okefenokee Swamp,” and a substitute for the same entitled “an act to dispose of the surveyed and unsurveyed lands belonging to the State, lying in and around Okefenokee Swamp, and for other purposes,” which they recommend do not pass.

Also “a bill to be entitled an act to incorporate the Atlanta Street and Rail Road Company, and for other purposes,” for which they have directed me to report a substitute, which they recommend do pass.

GEO. S. OWENS,  
Chairman.

Mr. Smith, Chairman of the Committee on Finance, submitted the following Report:

*Mr. President:*—The Committee on Finance have had under consideration the following bills, to-wit:

“A bill to be entitled an act to allow the Inferior Court of the County of Forsyth to retain the State tax of said County for the years 1866 and 1867, for the rebuilding of

the Jail of said County, and other County purposes," which they recommend do not pass.

Also "a bill to be entitled an act to allow the Inferior Court of Milton County to retain the State tax of said County, for the years 1866 and 1867, for rebuilding the Jail of said County, and for other County purposes," which they recommend do not pass.

Also "a bill to increase the fees of all State Officers seventy-five percent," which they recommend do not pass.

Also the following House bill, to-wit:

"A bill to be entitled an act to fix the salaries of the Judges, and certain other officers in the State of Georgia," which they recommend do pass, with the following amendments: by striking out the words "five hundred" and inserting the words "three hundred," in the 4th Section; and by striking out the words "and of the Recording Clerk of the Executive Department," in the 5th Section; and by adding an additional Section, so as to include the Clerks of the Comptroller General's and Treasurer's office, with a salary of twelve hundred dollars each.

Mr. Moore, Chairman of the Judiciary Committee, made the following Report:

*Mr. President*:—The Judiciary Committee, to whom certain bills were referred, have had the same under consideration, and direct me to report thereon as follows:

"A bill to be entitled an act to amend the 3320th Section of the Code of Georgia, and for other purposes," which they recommend do not pass.

Also "a bill to be entitled an act to alter and amend Section 3320 of the Code of Georgia, in relation to bail in civil cases, which they recommend do not pass.

Also "a bill to be entitled an act to require and regulate the returns of all Corporations in this State, and of agencies for foreign Companies," which they recommend do not pass.

Also "a bill to be entitled an act to amend sections 4792 and 4793 of the Code of this State," which they recommend do pass.

Also a bill to be entitled an act to change and define the times of holding the Superior Courts of the several Counties of the Western Judicial Circuit, which they recommend do pass.

Also "a bill to be entitled an act to carry into effect the 6th Section of the Constitution of this State, to prescribe the mode by which private Corporations may be created by the Courts, and for other purposes," which they propose to amend by inserting "only" after "Superior Court," so as to make it read "by application to the Superior Court only of the County where the principal office or place of business," &c., and as thus amended, they recommend its passage.

Also "a bill to be entitled an act to define the rights of persons owning landings or timber yards upon water courses in this State, to fix the rate of charges, and to authorize the collection of the same," to which the Committee offer the followidg amendment, to-wit: Strike out the words "with or without a Jury, as the Justice may decide to be necessary," and as thus amended, they recommend that the bill be passed.

Also "a bill to be entitled an act to repeal such parts of all laws as impose a personal liability on the Stockholders of Banks in this State, for the payment of the debts, or the redemption of the bills of such Banks," which a majority of the Committee recommend do pass:

B. B. MOORE,  
Chairman.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bills, to-wit:

A bill to relieve certain persons herein named from Jury service in the several Courts in this State.

A bill to incorporate the Dalton Petroleum and Mining Company.

A bill to facilitate trials in actions against tenants holding over, and against intruders in this State.

On a call of the roll, the following bills were introduced and read the first time, to-wit:

By Mr. Carter, a bill to repeal so much of the 276th Section, Paragraph 1st, Title 5th, Chapter 4th, of the Code of Georgia, as authorizes the Inferior Courts of the different Counties in this State, to consist of five Justices, to substitute one Justice in lieu thereof, to extend the Jurisdiction in certain criminal cases, and to change and alter certain proceedings in said Court.

By Mr. J. F. Johnson, a bill to define and fix the legal rights and liabilities of people of African descent in this State.

By Mr. Moore, a bill to require certain persons exempt from Jury duty, to serve as Tales Jurors in certain cases.

By Mr. Owens, a bill to amend an act to incorporate the Oglethorpe Insurance Company, of Savannah, assented to Nov. 24th, 1863, and for other purposes.

By Mr. Quillian, a bill to incorporate the Hansell Manufacturing Company, of Campbell County.

By Mr. C. H. Smith, a bill to exonerate Sheriffs and their Deputies from liability in certain cases.

By Mr. Strickland, a bill to change the time of holding the Superior Courts in the Counties of Floyd, Polk, Paulding and Campbell, of the Talapóosa Circuit.

Mr. Redding, Chairman of the Committee on the Penitentiary, made the following Report:

*Mr. President:*—The Committee on the Penitentiary, to which was referred the “bill to be entitled an act for the pardon of John W. Martin, confined in the Penitentiary for the crime of murder,” have had the same under consideration, and direct me to report back the bill, with the recommendation that it do pass.

A. W. REDDING,  
Chairman.

Mr. Casey reported the following Resolutions:

*Whereas*, Many citizens of this State subscribed to what is usually called the Confederate Cotton Loan, but never received the bonds of the Government of the Confederate States, or any article or thing in payment for said cotton, and never delivered said cotton, or any part of it, to the Confederate Government, to any officer or agent of said Government, so that the right and title to said cotton never vested in said Government; *And whereas*, many of said subscribers failed to make the cotton subscribed by them, on account of the enactment of State laws limiting and restricting the culture of cotton; *And whereas*, by the terms of the surrender of Gen'l Johnson to Gen'l Sherman, the property of the Confederate Government only was surrendered and transferred to the Government of the United States, and not the private property of citizens of this State; *And whereas*, certain persons, claiming to be Agents of the Treasury Department of the United States, are seizing and forcibly carrying off cotton belonging to citizens of this State, some of whom never did subscribe to said Loan, and many others who did subscribe to said Loan never delivered the cotton, and never received any thing for it; *And whereas*, said persons claiming to be such Agents refuse to allow any trial in case a person files an affidavit that he did not subscribe, and refuse to obey any injunction issued by the Courts of this State, for the protection of such persons or their rights of property; *And whereas*, this General Assembly has the highest confidence in the justice and magnanimity of the President of the United States, and entertains no doubt that he would restrain all such illegal and unreasonable trespasses upon the rights of the citizens of this State, if the facts were placed fairly before him, be it therefore

*Resolved by the General Assembly of Georgia*, That His Excellency, the Governor, be requested to appoint one or more Commissioners, selecting such men as have the confidence of the people of Georgia, and are supposed to have the confidence of the President, to proceed to Washington City, and lay our grievances before the President, and explain to him the abuses practiced by persons in this State professing

to be Treasury Agents, and respectfully but earnestly to urge upon him the passage of such orders as will protect our people in their rights of private property, and will compel those who are believed to be plundering them in the name of the Government, without its knowledge or consent, or without their acts inuring to its benefit, to desist in the further oppression of our people.

*Resolved further*, That His Excellency, the Governor, be requested to prepare, and send to the President by such Commissioner or Commissioners, a statement of the facts connected with the Cotton Loan subscription in this State, and of what he considers to be the rights of the citizens of this State under said subscription, and of the violation of such rights by persons professing to be the Agents of the Government of the United States.

*And be it further Resolved*, That this General Assembly will appropriate such sum of money as is necessary to pay the expenses of said Commissioner or Commissioners, and to compensate them for their services.

On motion, the Rules were suspended, and the Resolutions were taken up.

Mr. Gresham moved that the following be added to the Preamble, to-wit :

*And whereas*, The said subscription never was intended and did not vest any title to the cotton subscribed in the the Confederate Government, but was only an obligation on the part of the subscribers to sell certain cotton, and invest the proceeds in Confederate bonds.

On motion, the Resolutions and amendment were referred to the Committee on the State of the Republic.

Mr. Overstreet reported the following Resolution :

*Resolved by the General Assembly*, That a Committee of two from the Senate and three from the House of Representatives, be appointed to examine the present condition of the State Magazine and Arsenal in Milledgeville, to ascertain if possible whether any portion of the wreck of said buildings have been removed, and if so, to enquire by whose and what authority the property of the State was taken away, what compensation was paid for it, and in whose possession it now is, and report to the General Assembly at as early a day as practicable, the result of their investigations.

On motion, the Rules were suspended, and the Resolution was taken up, read and agreed to.

The Committee appointed under the above, consists of Messrs. Overstreet and O. L. Smith.

Mr. Gresham reported the following Resolutions :

*Resolved by the Senate and House of Representatives in General Assembly met*, That the Treasurer of the State be and



he is hereby authorized and required to open an entirely new set of books, commencing with the operations of the Government under the Provisional Governor, and transcribing from the old books any entries made since that time, and that for this purpose he be authorized to purchase new books, to be paid for by the Governor out of the contingent fund.

*Resolved*, That all the Confederate Treasury notes on hand be boxed up and laid away in some place of safety, and that all State issues of all kinds in the Treasury, be counted and burned under the direction of the Governor, and by some person appointed by him for that purpose.

The Rules being suspended, on motion, the Resolution was taken up, and referred to the Finance Committee.

Mr. Strozier reported the following Resolution :

*Whereas*, Civil law has again been re-established, and the Courts are now in session in the different parts of the State,

*Be it Resolved by the Senate and House of Representatives assembled*, That the Governor is hereby authorized and requested to have published, in such papers as he may deem expedient, by authority, all public acts of this body, that affect the public interest, that the same may be generally known, take effect, and be enforced.

On motion, the Rules were suspended, and the Resolution was taken up and disagreed to.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof :

*Mr. President* :—I am instructed to inform the Senate that the House of Representatives have agreed to the following Joint Resolution, and ordered that it be transmitted forthwith to the Senate, to-wit :

A Resolution requesting the Governor to memorialize the Secretary of the Treasury in regard to the seizure of cotton in certain cases.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof :

*Mr. President* :—I am instructed to inform the Senate that the House of Representatives have agreed to the following Joint Resolution of the Senate, and ordered it returned forthwith, to-wit :

A Resolution respecting the penalty of the bond given by Aaron Thornby, principal, and Edwin R. Hardin, security.

The Senate took up the special order, which was the consideration of the Report of the Committee of the Whole on the following bills, for which the Judiciary Committee had reported a substitute, and also a substitute reported by

Mr. Moore, in lieu of the original and substitute by the Committee, to-wit:

A bill to prescribe the mode for the collection of debts, and for the relief of the people.

A bill for the relief of the people of this State.

A bill to suspend the collecting laws of this State, until the 1st day of January, 1868, except in certain cases therein provided.

On motion, the substitute reported by Mr. Moore was received in lieu of the originals and substitute.

Mr. Bedford moved to amend the substitute reported by Mr. Moore, by striking out the words "first of June, 1865," which motion was lost.

Mr. Bower moved to amend the same, by inserting after the word "rendered" the words "upon any execution issued or to be issued prior to the first day of January, 1867," which motion was lost.

Mr. Thornton moved to amend the 4th Section by inserting after the words "in damages" the words "not less than the amount of the judgment, order, or decree upon which he is proceeding," which motion was agreed to.

Mr. Strozier moved to strike out the entire Section as amended, which motion was lost.

Mr. O. P. Beall moved the previous question, which was not sustained.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, FEBRUARY 9TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. J. A. W. Johnson moved to reconsider so much of the Journal of yesterday, as relates to the rejection of the amendment offered by Mr. Bedford, to the substitute received by the Senate, in lieu of the several bills and substitutes for the relief of the people, which motion prevailed.

On motion the rules were suspended, and Mr. J. F. Johnson introduced a bill to incorporate the North American Fire Insurance Company, of Atlanta, which was read the first time.

Leave of absence was granted to the Senator from the 11th District, for a few days, on important business.

On motion the rules were suspended, and Mr. Owens reported the following resolution:

WHEREAS, The State of Georgia is a large stockholder in the Atlantic and Gulf Rail Road, and has, by resolution of the General Assembly hitherto passed, had her stock represented in the elections of said company by certain persons therein named, most of whom, are either dead or have resigned; and whereas, it is important that she should always be represented at said elections—

*Therefore be it Resolved by the General Assembly,* That the Hon. William B. Fleming of Chatham, and J. R. Alexander of Thomas county, be, and they, together with any of the persons originally appointed, who may be now capable of acting, or either of them, are hereby authorized and empowered to cast such vote in all elections held, by said company as the State may be entitled to by reason of her stock so held therein; and shall hold their appointments until otherwise ordered by the Legislature.

On motion of Mr. Owens, the rules were further suspended, and the resolution was taken up, read and agreed to.

On motion, the Secretary was directed to transmit the same forthwith to the House of Representatives.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills:

A bill to extend the time in relation to issuing grants on head rights, so as to extend the time for granting the same, until the 25th day of December, 1868, and to authorize the Secretary of State to issue grants to all surveys now in office.

A bill to authorize the Justices of the Inferior Court of Scriven county to levy a tax for the support of the widows and orphans of deceased or disabled soldiers of said county.

A bill to amend an act entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved Dec'r 7, 1859.

A bill to amend the 3794th section of the 3d article of the Code of Georgia.

A bill to amend 6th, 8th, and 11th sections of an act incorporating the town of Georgetown in Quitman county, and to add additional sections thereto.

A bill for the relief of Isaac Hardeman of the county of Jones.

A bill to change the line of the county of Fayette, so as to include lots of land Nos. 186, 187, 188 and 166, in the 13th district of Clayton county.

A bill to amend section three thousand three hundred and twenty of the Code of Georgia.

A bill to change the line between the counties of Baker and Early.

A bill to repeal so much of an act entitled an act to add a part of the county of Paulding to the county of Carroll, and a part to the county of Floyd, assented to on the 22d day of December 1847, as relates to lots number 520, 591, and 601, in the first district, third section, of original Paulding county, and to add lots number 413 and 414, first district and third section of Paulding county, to the county of Carroll.

A bill to authorize the appointment of vendue masters in the several incorporated towns and cities of this State.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following resolution, to-wit :

A resolution respecting the penalty of the bond given by Aaron Thornby principal and Edwin R. Harden, Security.

The Senate resumed the unfinished business of yesterday which was the consideration of the report of the committee of the whole, on the substitute received in lieu of the several bills and substitute, for the relief of the people.

Mr. J. A. W. Johnson moved to amend the substitute by striking out the words "first day of June 1865", and insert the words "passage of this act", which motion was agreed to.

Mr. Bower moved further to amend by adding the following to the second section, to-wit :

"Nor to orders for alimony and fines for neglect of road duty, or processes issued by Ordinaries for the support of widows and orphans, nor to distress warrants for rent when the rent reserved is in kind ; which motion was agreed to.

Mr. Butler offered the following, as a substitute, to-wit :

A bill to be entitled an act for the relief of the people of Georgia.

Section 1st, *Be it enacted by the General Assembly of the State of Georgia*, That there shall be no levy or sale of property of defendants in this State, under execution, founded on any judgment, order, or decree, except executions for cost or rule against officers for money, and except in cases where defendants reside without the State, have absconded, are absconding or about to remove their property without the limits of any county in this State, until the first day of January 1867.

Sec. 2, *Be it further enacted*, That any officer or other person violating this act, shall be guilty of trespass, and liable to be sued in any Court of this State, having proper jurisdiction ; and the measure of damages shall be the injury resulting to the injured party by reason of said trespass.

Sec. 3. *Be it further enacted*, That the statutes of limita-

tion now of force in this State, be, and the same are hereby suspended in all cases affected by this act, until the first day of January 1867.

The substitute was rejected.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the following title, to-wit :

A bill for the relief of the people of this State, to prevent the levy and sale of property under certain circumstances, and for a limited time.

The rules being suspended, Mr. Thornton introduced the following bill, which was read the first time, to-wit :

A bill to alter and amend sections 4275 and 4285 of the fifth division of the Penal Code.

The rules being further suspended, on motion of Mr. J. F. Johnson, the Senate took up the report of the committee of the whole on the bill to incorporate the Atlanta Street Rail Road company.

The committee on Internal Improvements to whom this bill was referred, reported the following, as a substitute in lieu of the original, which was adopted, to-wit :

A bill to be entitled an act to incorporate the Atlanta Street Rail Road company, and for other purposes.

Section 1st, *The General Assembly of the State of Georgia do enact*, That from and after the passage of this act, George Hillyer, James L. Grant, B. D. Smith, J. B. Campbell, Eben Hillyer, J. J. Thrasher, J. J. Norrison, W. B. Cox, J. E. Bartlett, Wm. Solomon, W. R. Webster, John G. Westmoreland, and such others as they may associate with them, and their successors and assigns be and they are hereby declared a body politic and corporate by the name and style of the Atlanta Street Rail Road Company, and in and by that name may sue and be sued, plead and be impleaded in any Court of law or equity in this State, or where their rights may come in question, may have and use a common seal, and the same to alter or destroy at pleasure; and purchase, accept, hold, enjoy or convey any property real personal or mixed, that may be necessary for the purposes hereinafter set forth or which they may acquire in the progress of their business.

Sec. 2. *Be it further enacted*, That said company shall have the exclusive power and authority to survey, lay out, construct and equip, use and employ Street Rail Roads in the city of Atlanta, subject to the approval of the City Council thereof, for each route selected, first had and obtained before the work thereon, shall be commenced. *Provided*, That the rates of fair and freights upon said Rail Road, shall be sub-

ject to the approval of the Mayor and City Council of the City of Atlanta. The property of said company to be subject to the same, State, County and City taxes, as the property of individuals in said City, of like value, is or may be subject to, unless the City Council should at any time think fit to exempt the same either in whole or in part, from the payment of City taxes.

Sec. 3. *Be it further enacted*, That the capital stock of said company shall be one hundred and fifty thousand, which may be increased to three hundred thousand dollars, should the business of the company require it, books of subscription for which shall be opened in Atlanta or at any other point or points which may be deemed advisable in the United States.

Sec. 4. *Be it further enacted*, That the officers of said Atlanta Street Rail Road Company, shall be a President, Secretary, and five or more directors to be chosen at such time and in such manner as the corporators or a majority of them may determine, and the said President and board of directors shall have full power and authority to establish all by-laws, rules and regulations, for administering the affairs of said Company, and for carrying on the business and to do all acts and to give all orders therein, which may be necessary and not inconsistent with the Constitution and laws of this State; or of the United States.

Sec. 5. *Be it further enacted*, That the said Atlanta Street Rail Road Company shall not employ any steam engine upon their lines, without the consent of the City Council who, in granting the order, allowing the same, shall prescribe the rules to be observed by said company, and by individuals, to avoid injury to persons or property, by the use of said Engines.

Sec. 6. *Be it further enacted*, That said Atlanta Street Rail Road Company may extend any one or more of their lines of Road in the county of Fulton, over and beyond the corporate limits of said City, not more than one mile from the present corporate limits, should they see proper so to do, and in that event the damages to the owners of the strip or strips of land through which said Road may run, shall be ascertained and settled in the same manner as is prescribed by the charter of the Central Rail Road and Banking Company.

Sec. 7. *Be it further enacted*, That said Atlanta Street Rail Road Company may convey upon their lines either passengers or freight, as the exigencies of the business community and public wants may require.

On motion of Mr. Thornton, the same was amended by adding the following section, to-wit :

Sec. 8, *Be it further enacted*, That L. G. Bowers, W. M.

Moses, J. R. Ivey, W. W. Genard, R. B. Murdock, W. R. Turman, and their associates and successors, be and they are hereby declared a body politic and corporate, by the name and style of the Columbus Street Rail Road Company, and in and by that name may sue and be sued, plead and be impleaded, in any Court of law or equity in this State, or where their rights may come in question; may have and use a common seal and the same to alter or destroy at pleasure, and purchase, accept, hold, enjoy, or convey any property, real, personal or mixed, that may be necessary for the purposes hereafter set forth, or which they may require in the progress of their business.

Sec. 9, *Be it further enacted*, That said Company shall have exclusive power and authority to survey, lay out, construct and equip, use and employ, Street Rail Roads in the City of Columbus; the property of said Company to be subject to the same, State, County and City taxes, as the property of individuals in said City, of like value, is or may be subject to, unless the same shall be exempted from taxation by the State, county or city authorities respectively.

Sec. 10, The capital stock shall be divided into twenty-five hundred shares of stock, twenty dollars each, which may be increased from time to time by a vote of a majority of the stockholders.

Sec. 11, *Be it further enacted*, That the officers of said Columbus Street Rail Road Company, shall be a President, Secretary and five or more Directors, to be chosen at such time, and in such manner as the corporators or a majority of them may determine, and the said President and Board of Directors shall have full power and authority to establish all by-laws, rules and regulations, for administering the affairs of said company, and for carrying on the business, and to do all acts, and to give all orders therein, which may be necessary, and not inconsistent with the Constitution and laws of this State, or of the United States.

Sec. 12, *Be it further enacted*, That the said Columbus Street Rail Road Company shall not employ any steam engine upon their lines without the consent of the City Council of Columbus, who, in granting the order allowing the same, shall prescribe the rules to be observed by said Company, and by individuals, to avoid injury to persons or property, by the use of said engines.

Sec. 13, *Be it further enacted*, That the said Columbus Street Rail Road Company may extend any one or more of their lines of Road in the county of Muscogee, over and beyond the corporate limits of said City, not more than one mile from the present corporate limits, should they see proper so to do; and in that event the damages to the owners of the strip or strips of land through which said Road may run, shall be ascertained and settled in the same manner, as

is prescribed by the charter of the Central Rail Road and Banking Company.

Sec. 14, *Be it further enacted*, That the said Columbus Street Rail Road Company, may convey upon their lines either passengers or freight, as the exigencies of the business community and public wants may require, charging reasonable rates for the same.

Sec. 15, *Be it further enacted*, That the tract of any Road or Roads, which the said corporation may lay in any of the streets of the City of Columbus, shall be so laid as not to prevent drays or carriages, or other vehicles, from crossing and re-crossing the same.

Sec. 16, *Be it further enacted*, That said corporation shall pay in at least ten per cent of the capital stock upon the organization of the same; and each stockholder shall be liable in his private property for all debts due by said corporation to the amount of the capital stock subscribed for by him until the same is fully paid in, according to his subscription, and shall remain so liable to the extent of his unpaid stock for all debts contracted while he is such stockholder, unless he shall advertise for sixty days that he has transferred his stock, in which event, his liabilities shall cease, except as to persons notifying him of their claims against said corporation, before the expiration of said term of sixty days.

Sec. 17, *Be it further enacted*, That the charter shall continue in force for thirty years.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the following title, to-wit:

A bill to be entitled an act to incorporate the Atlanta Street Rail Road Company, and the Columbus Street Rail Road Company, and for other purposes.

The Senate took up the report of the committee of the whole, on the bill for the pardon of John W. Martin, now confined in the Penitentiary for the crime of murder.

The report of the committee was agreed to, the bill was read the third time and passed, by a constitutional majority.

Those voting in the affirmative are Messrs,

Black, Bower, Brown, Butler, Carter, Casey, Daley, England, Ezzard, Fuller, Gholston, Griffin, Johnson, J. A. W., Johnson, J. F., Kenan, McDaniel, Moore, Overstreet, Parris, Patterson, Quillian, Redding, Russell, Simmons, Smith, O. L., Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs.

Bedford, Freeman, Gresham, Owens.

Yeas 29, Nays 4.



The Senate took up the report of the committee of the whole, on the bill to sell the lands belonging to the State in the Okefenokee Swamp, for which a substitute had been offered by Mr. Overstreet.

The committee on Internal Improvements, to whom this bill was referred, together with the substitute, reported adversely to its passage.

Mr. J. A. W. Johnson moved to lay the bill and substitute on the table for the present, which motion was lost.

The report of the committee was agreed to and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill to amend an act, entitled an act to authorize married women to deposit money in Savings Banks or Institutions now chartered or which may be chartered by this State, and for other purposes, assented to Dec. 16th, 1861.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to authorize the Inferior Court of Camden county to regulate and prescribe the rates of ferriage in said county, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to allow the Inferior Court of the county of Forsyth, to retain the State tax of said County, for the years 1866 and 1867, for the rebuilding of the Jail of said county, and other county purposes.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole, on the bill to alter and amend an act to constitute the town of Cuthbert, Randolph county, a City, to provide for the election of officers, define the powers of the several officers of said City, as well as said corporation, to extend the limits of Cuthbert, and for other purposes, assented to Dec. 19th, 1859.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to require and regulate the returns of all corporations in this State, and of agencies for foreign Companies, &c.

The Judiciary committee to whom this bill was referred

report the same back, with the recommendation that it do not pass.

Mr. Strozier moved to strike out the words "Manufacturing and Mining", which was agreed to.

The report of the committee as amended, was disagreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole, on the bill to carry into affect the 6th section of the second article of the Constitution of this State, to prescribe the mode by which private corporations may be created by the Courts, and for other purposes.

The Judiciary committee to whom this bill was referred, recommend that it be passed, with the following amendment, to-wit:

By inserting "only" after the words "Superior Courts", so as to make it read "by application to the Superior Courts only, of the county where the principal office or place of business", &c.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to change and define the times of holding the Superior Courts of the several counties of the Western Judicial Circuit.

The Judiciary committee, to whom this bill was referred, recommend that it be passed.

Mr. Strozier moved to amend the second section by adding the following:

"And be it further enacted, That the Superior Court of Worth county, shall be held on the third Monday of April and October", which motion was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the amended title thereof.

The Senate took up the report of the committee of the whole, on the bill to define the rights of persons owning landings or timber yards upon water courses in this State, to fix the rate of charges and to authorize the collection of the same.

The Judiciary committee to whom this bill was referred, propose to amend the second section by striking out the words "with or without a jury, as the Justices may decide to be necessary", and with this amendment they recommend its passage.

The amendment was agreed to,

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to alter and amend section 3320 of the Code of Georgia, in relation to bail in civil cases.

The Judiciary committee to whom this bill was referred recommend that the same do not pass.

The report of the committee was agreed to and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill to increase the fees of all State officers, seventy-five per cent.

The committee on Finance, to whom this bill was referred, recommend that it do not pass.

The report of the committee was agreed to and the bill was lost.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts and resolutions, to-wit:

An act to alter and amend an act entitled an act to incorporate the town of Dawson in the county of Terrell, and State of Georgia.

Also, an act to prescribe the oath to be administered to voters, for Members of the General Assembly, Governor of this State, Members of Congress, Judges of the Superior Courts, States Attorney and Solicitors General, and county officers.

Also, an act to authorize the Justices of the Inferior Court, of Elbert county Georgia, to levy and collect a tax for county purposes.

Also, a resolution providing for the appointment of a joint committee to examine into the proceedings of the board of Directors appointed for the Western & Atlantic Rail Road by the Provisional Governor.

Also, a resolution relating to the commissioners appointed by the late Convention to investigate the condition of the Finances of this State from 1861.

Also, a resolution requiring the Comptroller General to furnish certain information.

Also, a resolution to appoint a joint committee to draft a bill authorizing and establishing an Orphan House or Houses.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY FEBRUARY 10TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Thornton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to incorporate the Atlanta Street Rail Road Company, which motion was agreed to.

Mr. Strozier moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to change and define the times of holding the Superior Courts of the several Counties of the Western Judicial Circuit, which motion was agreed to.

On motion of Mr. Thornton the rules were suspended and the Senate took up the reconsidered bill to incorporate the Atlanta Street Rail Road Company.

Mr. Thornton moved to strike out the amendment offered by him to incorporate the Columbus Street Rail Road Company, which motion prevailed.

The report of the Committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Strozier, the rules were further suspended, and the Senate took up the reconsidered bill to change and define the time of holding the Superior Courts of the several Counties of the Western Judicial District.

Mr. Strozier moved to strike out the amendment offered by himself on yesterday to change the time of holding the Superior Courts of Worth County, which was agreed to.

The report of the Committee was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed, by a Constitutional majority, a bill for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia.

On motion of Mr. Moore, the rules were further suspended, and the Senate took up the bill to amend an act to incorporate the Georgia and Alabama Rail Road Company, and to grant certain powers and privileges to the same, assented to February 18th, 1854, in lieu of which the House of Representatives had adopted the following substitute, to-wit:

A bill to be entitled an act to amend an act entitled an act to incorporate the Georgia and Alabama Rail Road Company, and grant certain powers and privileges to the same, and for other purposes, approved February 18th, 1854.

Sec. 1. *Be it enacted by the Senate and House of Representa-*

*tives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same, That the act of the Legislature of this State, incorporating the Georgia and Alabama Rail Road Company, referred to and specified in the caption of this act, be and the same is altered and amended as hereinafter set forth and enacted. That is to say:*

Sec. 2. *Be it further enacted, That the said Company, acting by their Board of Directors, shall have power to change the time for the election of Directors and President of the Company, from the first Monday in May in each year, as said Board of Directors shall designate. Provided, That said Board shall cause notice of the time and place of all Conventions for the election of directors, to be given by publication in such newspaper or papers within this State as the said Board of Directors may direct, thirty days previous to the time appointed for the Convention. After the election of Directors, they will proceed to elect a President from their own body, at such time as they may deem fit. The Directors to be chosen by the Stockholders, and the President, shall hold their respective offices for one year from the election of Stockholders, or for a longer or shorter period, until the election of their successors.*

*And whereas, the business and operations of said Company have been interfered with and prevented, so as to render elections of Directors at the regular periods impracticable by the events of the late war in which the country has been involved, the said Company shall have the right to elect a new Board of Directors and President, at such time and place as may be designated by the present Board of Directors, or by a majority of the persons last elected, and now holding, for want of successors, the office of Directors of said Company; who shall cause notice of the time and place to be designated for the assembling of the Stockholders, to elect such directors, and to transact such other lawful business as said Stockholders in Convention may desire to transact, to be given by advertisement to be published in the newspapers then being published in the city of Rome, in this State, thirty days prior to time to be appointed for such Convention. In all Conventions of the Stockholders of said Company, it shall require a representation of a majority of the shares of the stock in the Company to constitute a quorum for the transaction of business, to be binding on the Company; which representation shall be by the respective Stockholders in person, or by agent or proxy of the person or persons entitled to representation, duly appointed in writing. The Stock of deceased Stockholders, may be represented by the executors and administrators of the deceased Stockholder, and of minors and persons *non compos mentis*, by their respective guardians, or by persons to*

be appointed for that purpose, in writing, by such executors, or administrators, or guardians.

Sec. 3. *Be it further enacted*, That it shall require a majority of the Directors of the Company, including the President, or President *pro tem.*, to constitute a Board for the transaction of business, to be obligatory on the Company. The Directors, or a majority of them, shall have power to form a Board for the transaction of business at all times, in the absence of the regular President, by the selection of one of their number as President *pro tem.*, and the President *pro tem.* shall have power to perform all acts in the absence of the President, which the latter would be competent to perform if present. In case of a vacancy in the offices of President or Director, from any cause, between the times of the regular elections, the Board of Directors shall have power to fill such vacancy or vacancies, by the election of such Stockholder of the Company as they may deem proper. And the Board of Directors shall have power to call a Convention of the Stockholders for the transaction of business, whenever, in their judgment, it shall be proper to do so; but in every such case, shall cause notice of the time and place of the Convention, to be given by publication in such newspaper or papers as they may deem sufficient for the notification of the Stockholders, thirty days prior to the time to be appointed for such Convention.

Sec. 4. *Be it further enacted*, That to remove doubts supposed to exist in relation to the power of said Company to issue bonds and secure the same by giving liens on their property, the said Company, acting by the Board of Directors, shall have power to issue their bonds in such form, and for such amounts as may be deemed necessary in providing means for the completion and equipment of the Rail Road authorized to be constructed by them; and to make such contracts and such obligations as may be deemed proper in the procurement of iron and other materials, and work, and labor, required in the construction of said Rail Road; and to secure and provide for the payment of such bonds or contracts, or obligations, shall have power to create liens by mortgages or deeds of trust, to be executed by and on behalf of said Company, in such proper manner, and with such lawful terms and conditions, as said Board of Directors may prescribe, covering the Rail Road of said Company, as constructed and to be constructed, and including all other property and rights possessed, and to be possessed by said Company; or such portions thereof as the said Board of Directors may deem proper.

Sec. 5. *Be it further enacted*, That the private property of the Stockholders shall be bound for the debts of said Company, which the Company may fail to pay in propor-

tion to the amount of Stock owned by each Stockholder respectively ; to the amount but not exceeding the amount of the Stock owned by the Stockholders respectively ; so as to make the property of each stockholder bound for an amount equal to the amount of his or her Stock in said Company.

Sec. 6. *Be it further enacted*, That said Company shall be and they are hereby authorized and empowered, acting by their Board of Directors, to unite, and consolidate their Road and Stock and franchise, with the Road and Stock and franchise of the Dalton and Jacksonville Rail Road Company, and any other Rail Road Company of this or any adjacent State, to such extent and on such terms as may be agreed on by and with the Company or Companies entering into agreement with them.

Sec. 7 *Be it further enacted*, That said Georgia and Alabama Rail Road Company shall have power, (acting by their Board of Directors, or by the Stockholders in Convention,) to increase their capital stock to such amount as may be deemed proper, not exceeding the costs of constructing and equipping their Rail Road ; and the said Board of Directors shall have power to receive additional subscriptions to the capital stock of the Company, within the limit prescribed, as they may deem advisable ; and on such terms and conditions as they shall prescribe, and as may be agreed on with the party or parties taking the stock.

Sec. 8th, *Be it further enacted*, That the said Company shall have power, acting by their Board of Directors, to declare forfeited, and thereby cause to be forfeited, the Stock and subscription to Stock of the Company of any Stockholder or subscriber to Stock who shall have failed to pay up the instalments called for, and due on his, her, or their subscriptions, unless such Stockholder or subscriber to Stock, shall, within a period to be specified in the notification hereinafter directed, not less than sixty days from and after the publication of notice, pay up the amounts due, and in arrears, on the instalments on subscriptions to Stock, which shall have been called for. *Provided*, That before declaring and causing any such forfeiture, the said Board of Directors shall cause public notice of their intention to do so, to be given by publication, setting forth the names of the party or parties whose Stock or subscription it may be proposed to declare forfeited ; and specifying the time within which such defaulters may come and pay up arrearages ; which publication shall be made for four consecutive weeks in the newspapers then being published in the city of Rome, in this State.

Sec. 9th, *Be it further enacted*, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

The Committee on Internal Improvements, to whom the bill and the amendment of the House of Representatives were referred, reported in favor of the substitute.

The report was agreed to and the amendment of the House was concurred in.

On motion of Mr. Moore, the Secretary was instructed to notify the House of Representatives of the concurrence of the Senate in the same, and also to transmit forthwith the bill to incorporate the "Atlanta Street Rail Road Company," and the bill to change the times of holding the Superior Courts of the Western Judicial Circuit.

On a call of the roll, the following bills were introduced and read the first time, to-wit:

By Mr. Bower—a bill to amend the 1350th section of the Code of Georgia.

By Mr. Butler—A bill to add the 145th and 149th Districts Georgia Militia, now Greene County, to the County of Morgan.

By Mr. Carter—a bill for the relief of the people of this State from the burden of taxes for the present year, and to authorize his Excellency the Governor to raise the sum of two millions of dollars, for the support of the Government of the State for the year 1866, by the issue of State Bonds, and for other purposes.

By Mr. Gresham—a bill to amend the 4220th section of the Code of Georgia.

Also, a bill to provide for the taking of the census of the State of Georgia, and for other purposes.

Also, a bill to consolidate, enlarge, and amend the acts incorporating the city of Macon.

By Mr. Kenan—a bill to reduce the bonds of the Sheriffs of Washington, Hancock, and Baldwin Counties.

By Mr. Moore—a bill to enlarge the powers of the City Council of Augusta.

Mr. Moore also submitted a memorial from Mrs. Sidney S. Brown, of the city of Augusta, which was read and referred to the Committee on Petitions.

By Mr. C. H. Smith—a bill to extend the corporate limits of the city of Rome.

Also, a bill to incorporate the Oostanaula Steamboat Company, with power of Insurance.

By Mr. Strozier—a bill to change the terms of the Superior Courts of Worth County.

By Mr. Thornton—a bill to incorporate the Columbus Rail Road Company.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following Report:

*Mr. President:*—The Committee on the Judiciary have



had under consideration a bill to be entitled an act to alter the 2nd and 3rd Congressional Districts, so far as relates to the County of Schley, and recommend it to be passed.

B. B. MOORE, Chr'm.

The Senate took up the report of the Committee of the whole on the bill of the House to alter the second and third Congressional District, so far as relates to the County of Schley.

The Judiciary Committee to whom this bill was referred reported favorably to its passage.

Mr. Thornton moved to amend by adding the following to the 1st section "and to take the County of Muscogee from the third and add the same to the second Congressional District," which was agreed to.

Mr. Strozier moved to lay the bill on the table for the present, which motion was lost.

The report of the Committee as amended was agreed to, the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 12, nays 15.

Those voting in the affirmative are Messrs :

Black, Butler, Carter, Crawford, Gholston, Kenan, Moore, Parris, Patterson, Redding, Smith, O. L., Thornton.

Those voting in the negative are Messrs :

Bedford, Beall, O. P., Bower. Brown, Daley, England, Ezzard, Freeman, Fuller, McDaniel, Overstreet, Russell, Strickland, Strozier, Turner.

So the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to allow the Inferior Court of Milton County to retain the State Tax of said County for the years 1866 and 1867, for the building the Jail of said County, and for County purposes

On motion of Mr. Ezzard the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to amend sections 4792 and 4793 of the Code of this State.

The Judiciary Committee, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to and the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to amend the 3320th section of the Code of Georgia, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to prevent the distillation of grain, and for other purposes.

On motion the same was referred to the Judiciary Committee.

The Senate took up the Resolution for the appointment of one or more Commissioners to proceed to Washington City and to confer with the President in relation to the seizure of Cotton.

The Committee on the State of the Republic, to whom this Resolution was referred, reported favorably to its adoption, with the following amendments, to-wit:

WHEREAS, many of the citizens of this State subscribed to what was known as the Confederate Loan, under the promise to sell the Cotton subscribed and invest the proceeds in bonds of such Confederate Government, and did not by the obligations of such loan vest any title whatever to the Cotton in such Government, its agents or officers; and *whereas*, the largest portion of our citizens who subscribed to such loan never sold their cotton or received a dollar or a bond on account of the same, and when the State enacted laws against cotton raising, and impressment laws were executed against the property of the citizen, many of the parties referred to absolutely refused to sell their cotton or take the bonds, and held the same in their own name and custody, and paid the tax thereon, and made contracts on its pledge for payment; and *whereas*, the private property of the citizen has been by the public justice of the United States protected, and only such property as was known as Government property belonging to the Confederate States regarded legitimately subject to the claim of the Government of the United State; and *whereas*, certain persons claiming to be Treasury Agents, with their *attachees* and followers, are forcibly taking cotton held in the manner described, and cotton of parties who never did subscribe, and cotton of private parties regardless of proof, and against evidence, and refuse to allow legal proceedings, and by the color of office, commit violations of right, to the great injury of the People, and when they are powerless to assert the plainest principle of law and justice; and we the Senate and House of Representatives of the State of Georgia, having the utmost confidence in the magnanimity of his Excellency Andrew Johnson, and believing all such unreasonable and illegal trespasses, to be not only unauthorized, but in conflict with the wishes and sentiments of the executive."

The amendment was agreed to.

Mr. Thornton moved to amend by adding the following: "*Be it further Resolved*, That his Excellency the Governor

be requested to transmit by said Commissioner or Commissioners, if not heretofore transmitted, all Resolutions of this General Assembly calling the attention of the President of the United States to various matters of public grievance in Georgia."

The amendment was agreed to.

The Resolutions as amended were agreed to.

The Senate took up the report of the Committee of the whole on the bill of the House to fix the salaries of the Judges and the certain other officers in the State of Georgia.

The Finance Committee, to whom the bill was referred, reported the same back to the Senate with the following amendments, with which they recommend that it be passed, to-wit :

"To strike out in the 4th section the words "five hundred" and insert the words "three hundred."

Also, to strike out in the 5th section the words "and of the Recording Clerk of the Executive Department," which were agreed to.

The Committee on Finance proposed to amend further by adding an additional section so as to include the Clerks of the Comptroller General and Treasurer's office with a salary of twelve hundred dollars each.

On motion of Mr. Moore, the amendment reported by the Committee was amended so as to make the salary of the Clerk of the Treasurer's office sixteen hundred dollars.

Mr. Bedford moved further to amend the amendment of the Committee so as to include the State Librarian, with a salary of fifteen hundred dollars, which motion was lost.

On motion of Mr. Daley, the amendment of the Committee was amended so as to include the State Librarian, with a salary of twelve hundred dollars.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to incorporate the Blairsville Manufacturing Company.

The Committee on Internal Improvements, to whom this bill was referred, reported the same back to the Senate with the recommendation that it be passed.

The report of the Committee was agreed to, the bill was read the third time and passed.

The following bills were read the second time and severally referred to the Judiciary Committee, to-wit :

A bill to incorporate the North American Fire Insurance Company of Atlanta.

A bill to alter and amend sections 4275 and 4285 of the 5th division of the Penal Code.

A bill to repeal so much of the 276th section, part first, title five, chapter fourth, of the Code of Georgia, as authorizes the Inferior Courts of the different Counties in this State to consist of five Justices, to substitute one Justice in lieu thereof, to extend the jurisdiction in certain criminal cases, and to change and alter certain proceedings in said Court.

A bill to exonerate Sheriffs and their Deputies from liability in certain cases.

A bill to change the time of holding the Superior Courts in the Counties of Floyd, Polk, Paulding, and Campbell, of the Tallapoosa Circuit.

A bill to define and fix the legal rights and liabilities of the people of African descent, in this State.

A bill to require certain persons exempt from Jury duty to serve as Tales Jurors, in certain cases.

A bill to divide the State into twenty Judicial Circuits, and require the Superior Courts to be held four times a year.

A bill to amend an act entitled an act to incorporate the Oglethorpe Insurance Company of Savannah, assented to November 24th, 1863, and for other purposes.

A bill for the discharge of insolvent debtors, and depositors of said insolvent property.

On motion 50 copies of the last mentioned bill was ordered to be printed for the use of the Senate.

The following bill was read the second time :

A bill to incorporate the Hansell Manufacturing Company of Campbell.

The following bills of the House of Representatives were read the second time, to-wit :

A bill to alter and amend paragraph 1232 of chapter second, of the Revised Code.

A bill to change the time of holding the Courts of Ordinary of this State.

A bill to provide for the election of a Town Council for the town of Ringgold, in Catoosa County, in certain cases.

A bill allowing the redemption of lands forfeited or sold for taxes due the State, or any County or City thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs which may have accrued.

A bill to define certain acts of trespass and make the same penal.

A bill to authorize the Justices of the Inferior Court of the County of Heard to levy and collect a tax for certain purposes.

A bill to amend an act incorporating the town of Webster, Webster County, Georgia, passed March 6th, 1856.

A bill to legalize the acts of John C. Wells, and all other persons in this State acting as Ordinaries under commission from his Excellency James Johnson, Provisional Governor.

A bill to reduce the bonds of the Sheriff of Forsyth County.

The following bills of the House of Representatives were severally read the second time, and referred to the Judiciary Committee, to-wit:

A bill to alter and amend sections 4596 and 4597 of the Code of Georgia.

A bill to provide a more summary mode for the enforcement of Mechanics' lien in this State.

A bill to authorize Artemesia A. E. Jones, wife of James M. Jones, of Bibb County, to receive any property she is or may hereafter be entitled to by inheritance or otherwise, where the same is not limited over, in the same manner as though she was a *femme sole*.

A bill to legalize marriages between first cousins, which have been contracted since 11th of December, 1863.

A bill for the relief of the Muscogee Building & Loan Association, and the Columbus Building & Loan Association.

A bill to alter and amend the first number of Section 1954, 2nd article, part 2nd, title 3rd, and chapter 2nd of the Code of Georgia.

A bill to repeal paragraph 1988 of article 3rd, section 2nd, of the Revised Code of Georgia.

A bill for the relief of all persons who were bona fide soldiers of the army of the late Confederate States, for acts done or committed under an order or orders from any officer of the same, and to relieve officers from any act done under orders from a superior officer.

A bill to allow attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia, by written argument, and for other purposes.

A bill to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers.

A bill to exempt from Jury duty all active members of any incorporated Fire Company in this State.

The following bill of the House was read the second time and referred to the Committee on Finance, to-wit:

A bill to authorize the Inferior Court of the County of Lumpkin, to levy an extra tax for the purpose of building a Jail, upon the recommendation of the Grand Jury of said County.

The following bill of the House of Representatives was read the second time, and referred to the Committee on New Counties and County Lines, to-wit:

A bill to change the County Line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy, of the County of Crawford, in the County of Upson.

The following bill of the House was read the second time and referred to the Committee on Internal Improvements, to-wit:

A bill to compel the several Rail Road Companies of this State to furnish separate cars for persons of color.

The following bills of the House were read the second time and referred to the Committee on Agriculture, to-wit:

A bill to make the owners and possessors of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes.

A bill to authorize persons owning adjoining lands to build a joint fence between them, and to define the manner in which the same shall be kept up permanently, and to protect the premises of each.

The following bills of the House of Representatives were read the first time, to-wit:

A bill to facilitate trials in actions against tenants holding over, and against intruders, in this State.

A bill to relieve certain persons herein named from Jury service, in the several Courts in this State.

On motion the Senate adjourned until Monday morning, at 10 o'clock.

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MONDAY, FEBRUARY 12TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Yarborough.

Mr. Brown moved to reconsider so much of the Journal of Saturday, as relates to the action of the Senate on the bill to alter the 2nd Congressional District, so far as relates to the County of Schley, which motion was agreed to.

On motion of Mr. Black, the rules were suspended, and the Senate took up the reconsidered bill to alter the 2nd Congressional District, so far as relates to the County of Schley.

Mr. Black moved to strike out the following amendment, proposed by Mr. Thornton, to-wit: "And to take the County of Muscogee from the 3rd, and add the same to the 2nd Congressional District," which was agreed to.

The Report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the Rules were further suspended, and the following bills were introduced and read the first time, to wit:

By Mr. McDaniel, a bill to regulate the sale of spirituous liquors, or malt liquors, and to provide against the keeping of disorderly houses.

By Mr. Parris, a bill to allow the redemption of real estates sold under execution, within a specified time.

By Mr. Carter, a bill to levy a specific tax upon all spirituous liquors distilled in this State, and to make penal the violation of certain provisions thereof.

By Mr. Gresham, a bill to repeal an act entitled an act to require the incorporated Cotton and Shoal Factories in this State to publish lists of their Stockholders, assented to December 9th, 1842.

The Senate took up the Report of the Committee of the Whole on the bill to incorporate the Hansell Manufacturing Company, of Campbell County.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to exonerate Sheriffs and their Deputies from liability in certain cases.

The Judiciary Committee, to whom this bill was referred, reported the same back to the Senate, with the recommendation that it be passed, by inserting after the word "Deputy" in the caption, and first Section the words "or other collecting officer."

The amendment was agreed to.

Mr. Strozier moved to amend the first Section by inserting after the word "Court" the words "or otherwise where the officer has acted in good faith," which was agreed to.

The Report of the Committee, as amended, was agreed to, the bill was read the third time and passed, under the following title, to-wit:

A bill to exonerate Sheriffs and their Deputies, and other collecting officer, from liability in certain cases.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following act, to-wit:

An act to amend an act entitled an act to incorporate the Georgia and Alabama Rail Road Company, and to grant certain powers and privileges to the same, passed Feb. 18th, 1854.

Mr. Moore, Chairman of the Judiciary Committee, made the following Report:

*Mr. President* :—The Judiciary Committee, to whom were referred sundry bills, have had them under consideration, and direct me to report thereon, as follows :

"A bill to be entitled an act for the stay of executions on verdicts hereafter obtained, and for other purposes," which they recommend do not pass, because the Senate has already passed a bill embracing the same subject.

Also "a bill to be entitled an act to carry into effect the ninth Clause of Section 1st, Article 5th, of the Constitution of this State, in reference to the marriage relation between white persons and persons of African descent," which they recommend do pass.

Also "a bill to be entitled an act to exonerate Sheriffs and their Deputies from liability in certain cases," which they propose to amend by inserting after the word "Deputy" in the caption and 1st Section, the words "or other collecting officer," and being so amended, the Committee recommend its passage.

Also "a bill to be entitled an act to require certain persons, exempt from Jury duty, to serve as Tales Jurors, in certain cases," which they recommend do pass.

Also "a bill to be entitled an act to alter and amend Sections 4275 and 4285 of the 5th Division of the Penal Code," which they recommend do pass.

Also "a bill to be entitled an act to change the time of holding the Superior Courts in the Counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit," which they recommend do pass.

Also "a bill to be entitled an act to prohibit itinerant trading in certain articles, and to make it a misdemeanor to engage in such trading without a license from the Inferior Court," which they recommend do not pass.

Also "a bill to be entitled an act to authorize freedmen to marry persons of color in this State," which they recommend do not pass.

Also "a joint Resolution relative to the enacting and repealing clauses of bills," which they think should not be adopted.

The Committee have also considered the following bills from the House of Representatives, viz:

"A bill to be entitled an act to allow Attorneys and Solicitors of this State to urge their causes in the Supreme Court of Georgia by written argument, and for other purposes," which they recommend do pass.

Also "a bill to be entitled an act to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers," for which they offer a substitute, "to be entitled an act to punish persons for inducing or attempting to induce laborers of this State to forfeit their contracts, and to abandon the interests of their employers," which the Committee recommend be passed in lieu of the original.

Also "a bill to be entitled an act to repeal an act assented



to Dec. 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to re-incorporate said town, and to give the Town Council of said town certain powers hereinafter specified," which the Committee propose to amend by striking out the 2nd Section, and inserting in lieu thereof a substitute, which accompanies the bill; also to amend by substituting the word "area" for "radius" at the end of the 4th Section; also to amend the 6th Section by striking out the word "riot," and by adding to this Section the following: "the fine not to exceed fifty dollars, and imprisonment not longer than ten days," and with the foregoing amendments, they recommend the passage of the bill.

Also "a bill to be entitled an act to provide a more summary mode for the enforcement of Mechanic's liens in this State," which they recommend do not pass.

Also "a bill to be entitled an act for the relief of all persons who were *bona fide* soldiers of the army of the late Confederate States, for acts done or committed under an order or orders from any officer of the same; also to relieve officers for any acts done under orders from a superior officer," and having recommended the passage of a similar one, they now recommend that this be passed, in case the first bill be not, at an early day, reported back from the House of Representatives.

Also "a bill to be entitled an act to legalize marriages between first cousins, which have been contracted since 11th December, 1863," which a majority of the Committee recommend do pass.

Also "a bill to be entitled an act to authorize Artemesia A. E. Jones, wife of James M. Jones of Bibb County, to receive any property she is or may hereafter be entitled to by inheritance or otherwise, when the same is not limited over, in the same manner as though she were a *feme sole*," which the Committee propose to amend by striking out all of the 1st Section after the word "force" in the fifth line from the end of the Section, and being so amended, recommend it do pass.

Also "a bill to be entitled an act to fix the times of holding the Superior Courts in this State, and for other purposes," which they propose to amend by striking out "May and November" in the 1st Section, and inserting "June and December" and further, by inserting after the word "Atlanta" the words "or other places where the Court has heretofore been held," and with these amendments, they recommend the bill do pass.

Also "a bill to be entitled an act to exempt from Jury duty all active members of any incorporated Fire Company in this State," which they recommend do not pass.

Also "a bill to be entitled an act for the relief of the

Muscogee Building and Loan Association," which they recommend do pass.

Also "a bill to be entitled an act to alter and amend Sections 4596 and 4597 of the Code of Georgia," which they recommend do pass.

B. B. MOORE,  
Chairman.

The Senate took up the Report of the Committee of the Whole on the bill to prohibit itinerant trading in certain articles, and to make it a misdemeanor to engage in such trading without a license from the Inferior Court.

The Judiciary Committee to whom this bill was referred, reported adversely to its passage.

Mr. Thornton moved to strike out the words in the 3rd Section "and all persons purchasing said articles from itinerant traders without license," which motion was agreed to.

Mr. J. A. W. Johnson moved to strike out the word "butter" in the 1st Section, which motion was lost.

Mr. Carter moved to except from the provisions of the bill the following, "except wild fruits, such as whortleberries, blackberries, chestnuts, chinquepins and eggs," which motion was lost.

The Report of the Committee as amended was agreed to, the bill was read the third time and lost.

The Senate took up the Report of the Committee of the Whole on the bill to carry into effect the 9th Clause of Section 1st, Article 5th, of the Constitution of this State, in reference to the marriage relation between white persons and persons of African descent.

The Judiciary Committee, to whom this bill was referred, reported the same back to the Senate, with the recommendation that it be passed.

The Report of the Committee was agreed to.

On motion of Mr. Owens, the bill was laid on the table for the present.

The Senate took up the Report of the Committee of the Whole on the bill to change the time of holding the Superior Courts of the Counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit.

The Judiciary Committee, to whom this bill was referred, recommend that it be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to require certain persons exempt from Jury duty, to serve as Tales Jurors in certain cases.

The Judiciary Committee, to whom this bill was referred, reported favorably to its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to alter and amend Sections 4275 and 4285 of the 5th Division of the Penal Code.

The Judiciary Committee, to whom this bill was referred, recommend that the same be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill for the stay of executions on verdicts hereafter obtained, and for other purposes.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk :

*Mr. President* :—The House of Representatives have passed the following bills :

A bill to ratify certain acts of Executors, Administrators, Trustees and Guardians, and of Judicial and Ministerial officers, and for other purposes therein mentioned.

A bill to compensate Ordinaries and Clerks of the Superior Courts for administering the Amnesty Oath, and for other purposes.

A bill to regulate Jail fees in certain cases.

A bill to incorporate the Empire State Manufacturing Company, in the County of Newton.

A bill to incorporate the North Georgia Petroleum and Mining Company, and for other purposes.

Also a bill to incorporate the Gate City Gas-light Company, and have ordered the same to be transmitted forthwith to the Senate.

The House of Representatives have also adopted a Preamble and Resolution relative to citizens of this and other States interfering with Freedmen of this State, in order to induce them to forfeit their contracts, and abandon the interests of their employers.

The Senate took up the Report of the Committee of the Whole on the bill of the House for the relief of all persons who were bona fide soldiers of the army of the late Confederate States, for acts done or committed under an order or orders from any officer of the same ; also, to relieve officers for any act done under orders from a superior officer.

The Judiciary Committee, to whom this bill was referred, reported favorably to its passage.

Mr. Quillian moved to amend by inserting the following, to-wit :

*And be it further enacted*, That the provisions of this act shall not apply to, or relieve any person or persons who

have made private gain by taking the property of any inhabitant of said State, and applying it or its proceeds to his own use, whether acting under the orders of an officer; but all persons who have, under military order or otherwise, taken the property of another, and by himself or his agents or partners, sold it and appropriated the proceeds to his or their own use, or who now have said property or any part of it in possession, knowing it to be the property of another, wrongfully appropriated, shall be liable to all the pains and penalties, and subject to all the civil liabilities to which such person or persons are now liable.

The amendment of Mr. Quillian was disagreed to.

Mr. Quillian moved further to amend by adding the following proviso, which was disagreed to, to-wit:

*Provided*, This act shall not continue in force longer than Order No. 3, of Jan. 12th, from Gen. Grant, and General Order No. 29, from Gen. Thomas, or any other similar order from any U. S. authority.

Mr. Turner moved to lay the bill on the table, which motion was lost.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia by written argument and for other purposes.

On motion, the same was recommitted to the Judiciary Committee.

The Senate took up the Report of the Committee of the Whole on the bill of the House to provide a more summary mode for the enforcement of Mechanics' lien in this State.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the Report of the Committee of the Whole on the bill of the House to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers.

The Judiciary Committee, to whom this bill was referred, recommend the passage of the following substitute therefor:

A bill to be entitled an act to punish persons for inducing, or attempting to induce, laborers of this State to forfeit their contracts, and to abandon the interests of their employers.

Sec. 1st. *The General Assembly of the State of Georgia do enact*, That from and immediately after the passage of this

act, any person who shall in any manner, either by offering higher wages or using other device to induce, or attempt to induce, any laborers of this State, already contracted with for their labor, to forfeit their contracts entered into, and to abandon the interests of their employers, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined for each offence in a sum not more than two hundred dollars, or imprisonment in the common Jail of the County where the offence is committed, not more than six months, in the discretion of the Court.

Sec. 2nd. *Be it further enacted,* That all laws and parts of laws militating against this act be and the same are hereby repealed.

The substitute was adopted in lieu of the original.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed, under the following title, to-wit:

A bill to be entitled an act to punish persons for inducing, or attempting to induce, laborers of this State to forfeit their contracts, and to abandon the interests of their employers.

The Senate took up the Report of the Committee of the Whole on the bill of the House for the relief of the Muscogee Building and Loan Association, and the Columbus Building and Loan Association.

The Judiciary Committee, to whom this bill was referred, reported the same back to the Senate with the recommendation that it be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to alter and amend Sections 4596 and 4597 of the Code of Georgia.

The Judiciary Committee, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to exempt from Jury duty all active members of any incorporated Fire Company in this State.

The Judiciary Committee, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the Report of the Committee of the Whole on the bill of the House to repeal an act assented to Dec. 10th, 1803, incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said town, and to give the Town Council of said town certain powers hereinafter specified.

The Judiciary Committee, to whom this bill was referred, propose to amend by striking out the 2nd Section, and inserting the amendment offered by Mr. Gholston, and inserting the word "area" for the word "radius" at the end of the 4th Section. They further propose to amend the 6th Section by limiting fines to fifty dollars, and imprisonment to ten days, and with these amendments they recommend that it be passed.

The amendments were agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to fix the times of holding the Supreme Court, and for other purposes.

The Judiciary Committee, to whom this bill was referred, propose to amend the 1st Section by striking out the words "May and November," and insert the words "June and December." Also, to insert in the 3rd Section the words "or other places where the Court has heretofore been held," and with these amendments they recommend that it be passed.

The amendments of the Committee were agreed to.

Mr. Strozier moved to amend by inserting the words "the cases from the Macon, South-Western, Pataula and Chattahoochee Circuits be called on the 2nd Monday of July and January," which motion was lost.

Mr. Bower moved to amend the 1st Section by adding the words "and the Court shall fix by rule the day on which each Circuit shall be called," which motion was agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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TUESDAY, FEBRUARY 13TH., 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Quillian moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives for the relief of all persons who were bona fide soldiers of the army of the late Confederate States, for acts done or committed under an order or orders from any officer of the same, also to relieve officers for any act done under orders from a superior officer—whereupon the yeas and nays were required to be recorded and are yeas 6, nays 27.

Those voting in the affirmative are Messrs :

Butler, England, Kenan, Quillian, Redding, Strickland,

Those voting in the negative are Messrs :

Bedford, Black, Brown, Carter, Casey, Crawford, Daley, Ezzard, Freeman, Fuller, Gholston, Gresham, Johnson, J. A. W., McDaniel, Moore. Overstreet, Owens, Parris, Patterson, Russell, Simmons, Smith, C. H., Smith, O. L., Strozier, Thornton, Turner, Wilcox.

Yeas 6, nays 27.

So the motion to reconsider did not prevail.

Mr. Moore, Chairman of the Committee on the Judiciary submitted the following report :

*Mr. President :* The Judiciary Committee to whom were referred certain bills have had them under consideration, and have instructed me to report on them as follows :

A Bill to be entitled An Act to incorporate the American Industrial Agency. The Committee recommend that the title of the corporation be changed to the "American Industrial Insurance Company," and that the bill be passed as thus amended.

They have also considered a bill to the entitled An Act to amend the 3866 section of the Code, and recommend that it do not pass.

Also, a bill to be entitled an act to alter and amend the 4293 section of the penal Code, which they recommend do pass.

Also, a bill from the House of Representatives to be entitled an act to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia by written argument, and for other purposes, which they recommend do pass, and

A House bill to be entitled an act to repeal paragraph 1988 of the revised Code of Georgia, which they recommend do not pass.

B. B. MOORE, Chairman.

Mr. Fuller, from the Committee on Petitions, to whom was referred the petition in behalf of Mrs. Sidney S. Brown, of Augusta, Georgia, reported that they have had the same under consideration, and the Committee report against the prayer of the petitioner.

Mr. Black, chairman of the Committee on Agriculture, makes the following report :

*Mr. President :* The committee on Agriculture have had under consideration a bill to be entitled an act to make owners and possessors of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes, and recommend the same do pass.

Also, a bill to be entitled an act to authorize persons owning adjoining lands to build joint fences between them, and

to define the manner in which the same shall be kept up, and to protect the premises of each, and recommend the same do not pass.

WM. A. BLACK,  
Chairman Agriculture Committee.

Mr. Smith, chairman of the Committee on Finance, submitted the following report:

*Mr. President:* The Committee on Finance have had under consideration the following resolution, to-wit:

"A Joint Resolution in relation to the purchase of new books for the State Treasurer," which they have considered and recommend the adoption thereof.

Also, a bill to be entitled an act to authorize the Inferior Court of the county of Lumpkin to levy an extra tax for the purpose of building a jail, upon the recommendation of the Grand Jury of said county, which they have considered and recommend that it do pass.

C. H. SMITH, Chairman,  
Finance Committee.

Leave of absence was granted to the Senator from the 10th District for a few days on important business.

On a call of the roll the following bills were introduced, and read the first time, to-wit:

By Mr. Butler—A bill to repeal the 134th Section of the Code.

By Mr. O. L. Smith—A bill amendatory of the law relating to the establishment of lost papers.

By Mr. Strickland—A bill to add lots of land numbers 33, 34, 35 and 40, in the 18th District and 3rd Section of Bartow county to the county of Paulding.

The Senate took up the report of the Committee of the whole on the bill to alter and amend the 4293 section of the Penal Code.

The Judiciary Committee to whom this bill was referred reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to amend the 3866th section of the Code.

The Judiciary Committee to whom this bill was referred reported adversely to its passage.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to incorporate the American Industrial Agency.

The Judiciary Committee to whom this bill was referred propose to change the caption of the bill to the "American



Industrial Insurance Company," and with this amendment they recommend that it be passed.

Mr. Strozier moved to lay the bill on the table for the balance of the session, which motion was lost.

Mr. Thornton moved the following as an additional section, which was agreed to, to-wit:

"The principal offices for the transaction of the business of this Company shall be in the cities of Augusta, Macon, Columbus, Savannah and Atlanta.

Mr. Gresham moved to amend by inserting the following: That a majority of the Directors of this Company shall be citizens of Georgia, which motion was agreed to.

Mr. Butler moved to amend by adding the following: that said Company shall invest one fourth of its capital in Georgia bonds, which motion was lost.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question, "shall this bill pass," the yeas and nays were required to be recorded, and are yeas 17, nays 17.

Those voting in the affirmative are Messrs:

Bedford, Black, Brown, Carter, Crawford, Fuller, Johnson, J. A. W., Johnson, J. F. Kenan, Moore, Owens, Parris, Patterson, Russell, Smith, C. H., Thornton, Turner.

Those voting in the negative are Messrs:

Bower, Butler, Daley, England, Ezzrrd, Freeman, Gholston, Gresham, McDaniel, Overstreet, Quillian, Redding, Simmons, Smith, O. L., Strickland, Strozier, Wilcox.

Yeas 17, nays 17.

There being a tie the President voted in the affirmative, and the bill was passed, under the following title, to-wit:

A bill to incorporate the American Industrial Insurance Company.

The following message was received from the House of Representatives, through Mr. Waddell, their Clerk, to-wit:

*Mr. President:* Tho House of Representatives have passed the following bills:

A bill for the relief of Administrators, Executors, Guardians and Trustees, in certain cases.

A bill for the relief of Martha A. Lester, of the county of Fulton.

A bill to authorize the Justices of the Inferior Court of the county of Early, in this State, to levy and collect an extra tax, to pay for provisions heretofore purchased by them for the poor of said county, and for the use of disabled soldiers and their families.

A bill to authorize the Inferior Courts of this State to make out Jury lists, and draw Juries for the Superior Courts wherever the Jury boxes have been lost or destroyed, or wherever Juries have not been drawn by the Judge of the Superior Court of any County, and to provide for the sum-

moning of persons drawn as Jurors, and to punish as for contempt those who do not attend, after having been summoned, &c.

A bill to declare valid all official acts of the civil officers, both principals and deputies, of this State, whether said officers have been pardoned by the President of the United States, or not.

A bill to authorize the Inferior Court of the County of Twiggs to borrow money to pay the indebtedness, and for other purposes, of said county.

A bill to repeal an act entitled an act to increase the per diem pay of teachers entitled to the benefit of the Poor School Fund of this State, assented to 3rd March, 1865, and for other purposes.

A bill to repeal an act entitled an act to amend the charter and corporate laws of the city of Milledgeville, as to the mode of electing Aldermen, assented to March 7, 1865.

A bill to amend the Forty-three hundred and ninety-first (4391) section of the new Code of Georgia.

A bill to amend section seventeen hundred and seventy-five, and seventeen hundred and seventy-six, of the new Code of Georgia, relative to orphans.

A bill to revive, alter and amend an act to incorporate an Insurance company in the City of Columbus, to be called "The Merchant's Insurance Company of Columbus, Georgia," assented to November 14th, 1864, and change the name to the "Merchants and Planters Insurance Company of Columbus, Georgia."

A bill relative to the bonds of Trustees.

The House of Representatives have also adopted resolutions requesting the Secretary of the Treasury of the United States to suspend the collection of the Internal Revenue Tax in Georgia, and requesting Congress to allow this State to assume and collect the same.

And I am directed to transmit the same forthwith to the Senate.

They have also passed the following bill of the Senate, which I am instructed to transmit forthwith to this branch of the General Assembly, to-wit:

A bill to increase the salary of the Superintendent of the Western and Atlantic Railroad.

The Senate took up the report of the Committee of the whole on the bill of the House, to authorize persons owning adjoining lands to build a joint fence between them, and to define the manner in which the same shall be kept up permanently, and protect the premises of each.

The Committee on Agriculture to whom this bill was referred reported the same back to the Senate, with the recommendation that it do not pass.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill of the House to make the owners of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes.

The Committee on Agriculture to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives: To authorize the Inferior Court of Lumpkin county to levy an extra tax for the purpose of building a Jail, upon the recommendation of the Grand Jury.

The Committee on Finance to whom this bill was referred, reported the same back to the Senate, with the recommendation that it do pass.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted to Mr. W H. Roberts, Door-keeper of the Senate, for a few days on important business.

The Senate took up the report of the Committee of the whole on the bill of the House to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia by written argument, and for other purposes.

The Judiciary Committee to whom this bill had been recommended reported that they adhered to their original recommendation, which was in favor of the passage of the bill.

Mr. Gresham moved to amend by striking out the word "Court" in the last line of the second section, and insert the words "Attorneys or Solicitor," which motion was lost.

Mr. Owens moved to amend the first section by striking out the words "as hereinafter set forth," and insert the words "upon such rules and regulations as the Court may prescribe," and further to strike out the second section.

Mr. McDaniel moved the previous question, which was not sustained.

The amendment of Mr. Owens was disagreed to.

The report of the Committee was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives the following act, to-wit:

An Act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

Leave of absence was granted to the Senator from the 5th District for a few days on important business.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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WEDNESDAY, FEBRUARY 14TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Weaver, of the House of Representatives.

Mr. Owens moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to amend the 3866th Section of the Code, which motion was agreed to.

Mr. Daley moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to alter and amend the 4293rd Section of the Penal Code.

Mr. Daley having withdrawn his motion to reconsider, the same was renewed by Mr. Carter.

Upon the motion to reconsider, the Yeas and Nays were required to be recorded, and are Yeas 8, Nays 25.

Those who voted in the affirmative are Messrs :

Brown, Carter, Ezzard, Gholston, McDaniel, Quillian, Russell, C. H. Smith.

Those who voted in the negative are Messrs :

Barwick, Black, Bower, Butler, Casey, Crawford, England, Freeman, Fuller, Griffin, Gresham, J. A. W. Johnson, J. F. Johnson, Kenan, Moore, Overstreet, Owens, Parris, Patterson, Redding, Simmons, O. L. Smith, Strickland, Thornton, Turner, Wilcox.

So the motion to reconsider did not prevail.

Leave of absence was granted to the Senator from the 28th District for a few days, after to-day, on account of sickness in his family. Also to the Senator from the 19th District, after Friday next, on important business.

The Senate took up the Report of the Committee of the Whole on the reconsidered bill to amend the 3866th Section of the Code.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was disagreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to repeal Paragraph 1988 of Article 3rd, Section 2nd of the Revised Code of Georgia.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the Report of the Committee of the Whole on the bill of the House to alter and amend Paragraph 1232 of Chapter 2nd of the Revised Code.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to define certain acts of trespass, and make the same penal.

On motion the same was referred to the Committee on the Judiciary.

The Senate took up the Report of the Committee of the Whole on the bill of the House to amend an act incorporating the town of Weston, Webster co., Ga., passed March 6th. 1856.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to legalize marriages between first cousins, which have been contracted since 11th December, 1863.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to reduce the bonds of the Sheriffs of Forsyth County.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to provide for the election of a Town Council for the town of Ringgold, in Catoosa County, in certain cases.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to authorize the Justices of the Inferior Court of the County of Heard to levy and collect a tax for certain purposes.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the Bill of the House to authorize Artamesia A. E. Jones, wife of James M. Jones, of Bibb County, to receive any property she is or may hereafter be entitled to

by inheritance or otherwise, where the same is not limited over, in the same manner as though she were a *femme sole*.

The Committee on the Judiciary, to whom this bill was referred, propose to amend by striking out all of the 1st Section after the word "force" in the fifth line from the end of the Section, and with this amendment they recommend its passage.

The amendment was agreed to.

The Report of the Committee of the Whole was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House to legalize the acts of John C. Wells, and all other persons in this State, acting as Ordinaries under Commission from His Excellency, James Johnson, Provisional Governor.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill of the House allowing the redemption of lands forfeited or sold for taxes due the State, or any County or City thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs which may have accrued.

On motion, the same was referred to the Committee on the Judiciary.

The Senate took up the Report of the Committee of the Whole on the bill of the House to change the time of holding the Court of Ordinary of this State.

The Report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the rules were suspended, and the following bills were read the second time, and referred to the Committee on the Judiciary, to-wit:

A bill to allow the redemption of real estate sold under execution within a specific time.

A bill to repeal an act entitled an act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to December 9th, 1842.

The Senate took up the Resolution of the House relative to citizens of this and other States interfering with Freedmen.

On motion, the same was referred to the Committee on the State of the Republic.

The Senate took up the Resolution of the House requesting the Secretary of the Treasury of the United States to suspend the collection of the Internal Revenue Tax in Georgia.

On motion, the same was concurred in, and the Secretary was instructed to transmit the same forthwith to the House of Representatives.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President.*—The House of Representatives have passed the following bills:

A bill to incorporate the McCusky Gold Mining Co.

A bill to add an additional Section to an act incorporating the town of Fayetteville, assented to Dec. 20th, 1823, and to amend Section 3rd of said act.

A bill to change the times of holding the Superior Courts of Clay County, in the Pataula Circuit, and of Worth County, in the South-Western Circuit.

A bill to incorporate the Okefenokee Land and Canal Company.

A bill to amend an act to incorporate in the State of Georgia an Insurance Company, to be called the Great Southern Insurance Company, assented to Dec. 17th, 1861.

A bill to incorporate the Lookout Valley Mining Co.

A bill to repeal an act entitled an act the better to regulate the liquor traffic in the Counties of Taliaferro, Greene, Washington and Henry, and for other purposes, assented to Dec. 12th, 1860, so far as the said act relates to the County of Taliaferro.

A bill to amend the act incorporating the town of Blackshear in Pierce County, approved Dec. 16th, 1859.

A bill to amend the 4613th Section of the Code of this State.

A bill to authorize the payment of certain claims against the Western and Atlantic R. Road.

A bill to repeal an act to authorize the Trustees of the Glynn County Academy to lease or sell the Academy building, and to protect the property and collect the funds of the same, and for other purposes therein named, assented to Dec. 22nd, 1857. Also to repeal No. 119 of the Acts of 1858, amendatory of the above recited act, assented to Dec. 11th, 1858.

They have also adopted a Resolution requesting a Mail Route to be established from Doctor Town to Ocmulgee-ville.

The House of Representatives have also concurred in the following amendments of the Senate, to-wit:

A bill to fix the times of holding the Supreme Court of this State, and for other purposes, to-wit:

Striking out in the 1st Section the words "May and November," and inserting "June and December," in lieu thereof.

Inserting in the 3rd Section after the word "Atlanta" the words "or other places where the Court has heretofore been held."

They have refused to concur in the following amendment to the same bill, viz:

Adding the following at the end of the 1st Section, "and the Court shall fix by rule the day on which each Circuit shall be called.

The Senate took up the Resolution of the House in regard to the seizure of cotton in certain cases.

On motion, the same was referred to the Committee on the State of the Republic.

The Senate took up the Resolution in relation to the purchase of new books for the State Treasurer.

The Finance Committee, to whom the Resolution was referred, recommend its adoption.

Mr. Simmons moved to amend by adding the words "and that the Comptroller General be authorized to purchase a sett of new books for his office," which motion was agreed to.

Mr. Gresham moved to strike out the words "and transcribing from the old books any entries made since that time," which was agreed to.

Mr. Gresham moved further to amend by adding the following as an additional Resolution, to-wit:

*Resolved*, That the Treasurer be authorized to bring forward the balances in current funds in the new books, after boxing up the Confederate Treasury notes, and burning the State Treasury notes.

The amendment was agreed to.

The Resolution as amended was agreed to.

On motion, the Rules were suspended, and Mr. Ezzard reported the following Resolution, to-wit:

WHEREAS, The establishment of peaceful and permanent good order and fellowship between the people of all sections of the Union, upon honorable and equitable terms, is an object greatly commendable and ardently desired universally by our citizens; *And whereas*, the policy of inviting foreign immigration to this section is questionable as to its benefits or pernicious effects upon the present and future welfare of our inhabitants and of native citizens,

*Be it therefore Resolved by the General Assembly of the State of Georgia*, That the introduction of foreign immigration into this State in the present perilous crisis of our political and domestic relations, and more especially from a quarter where its citizens either directly or indirectly, or by taking up arms in the recent conflict between the people North and South, aided in increasing its violence and devastating effects on humanity, the peace and prosperity of our national existence, should be reluctantly encouraged or sanctioned. Relying, therefore upon the patriotic efforts and active energies of our citizens, we feel assured that no foreign element is needed in aid of our system of Government, or in the addition to the class of laboring population already amongst us.



Those names who as by Satan sent,  
 Were legions blighting as they went,  
 They should again, if on they pass,  
 Be stop'd like Baalam on his ass.

On motion, the Resolution was referred to the Committee on the State of the Republic.

The Rules being suspended, Mr. Thornton introduced a bill to authorize the legal voters of Bartow County to determine by ballot the question of removal or no removal of the County site of said County, and to repeal an act entitled an act to submit the question of the removal of the County site of Cass County to the legal voters of said County, and for other purposes therein specified, approved 1857, which was read the first time.

On motion, the Senate took up the Message from the House of Representatives in reference to the bill of the House to fix the times of holding the Supreme Court of this State, and for other purposes.

On motion of Mr. Moore. the Senate receded from its amendment to the 1st Section of the same, which is as follows: "and the Court shall fix by rule the day on which each Circuit shall be called."

The following bills were read the second time, to-wit:

A bill to provide for the taking of the census of the State of Georgia, and for other purposes.

A bill to enlarge the powers of the City Council of Augusta.

A bill to reduce the bonds of the Sheriffs of Washington, Hancock and Baldwin Counties.

A bill to change the times of holding the Superior Court of Worth County.

A bill to extend the corporate limits of the City of Rome.

A bill to incorporate the Oostanaula Steamboat Company with powers of Insurance.

The following bills were taken up and read the second time, and severally referred to the Committee on Finance, to-wit:

A bill for the relief of the people of this State from the burden of taxes for the present year, and to authorize His Excellency, the Governor, to raise the sum of two millions of dollars for the support of the Government for the year 1866, by the issue of State bonds, and for other purposes.

A bill to authorize the levy of a specific tax upon all spirituous liquors distilled in this State, and to make penal the violations of the provisions thereof.

The following bill was read the second time, and referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Columbus R. R. Co.

The following bills were taken up and read the second time, and severally referred to the Committee on the Judiciary, to-wit:

A bill to amend the 1350th Section of the Code of Georgia.

A bill to be entitled an act amendatory of the law relating to the establishment of lost papers.

A bill to amend the 4220th Section of the Code of Georgia.

A bill to repeal the 134th Section of the Code of Georgia.

A bill to regulate the sale of spirituous or malt liquors, and to provide against the keeping of disorderly houses.

A bill to consolidate, enlarge and amend the acts incorporation the City of Macon.

The following bills were taken up and read the second time, and severally referred to the Committee on New Counties.

A bill to add Lots of Land Nos. 33, 34, 35 and 40, in the 18th District and 3rd Section of Bartow County to the County of Paulding.

A bill to add the 145th and 149th District, Georgia Militia, now Greene County, to the County of Morgan.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole on the bill to repeal such parts of all laws as impose a personal liability on the stockholders of Banks in this State for the payment of the debts or the redemption of the bills of such banks.

On motion the same was made the special order of the day for Saturday next.

The following bills of the House of Representatives were taken up and severally read the first time, to-wit :

A bill to change the line of the county of Fayette, so as to include lots of land Nos. 186, 187, 188 and 166 in the 13th District of Clayton county.

A bill to declare valid all official acts of the civil officers (both principals and deputies) of this State, whether said officers have been pardoned by the President of the United States or not.

A bill to authorize the appointment of Vendue Masters in the several incorporated towns and cities of this State.

A bill to compensate ordinaries and Clerks of the Superior Courts for administering the amnesty oath, and for other purposes.

A bill to repeal an act to amend the charter and corporate laws of the city of Milledgeville, as to the mode of electing Aldermen, assented to March 7th, 1865.

A bill to authorize the Inferior Courts of this State to make out Jury lists and draw Juries for the Superior Courts wherever the Jury boxes have been lost or destroyed, or wherever Juries have not been drawn by the Judge of the Superior Court of any County, and to provide for the summoning of persons drawn as Jurors, and to punish as for

contempt those who do not attend after having been summoned, &c.

A bill to authorize the Justices of the Inferior Court of Scriven county to levy a tax for the support of the widows and orphans of deceased and disabled soldiers of said county.

A bill to extend the time in relation to issuing grants on Head-rights, so as to extend the time for granting the same until the 25th day of December, 1868, and to authorize the Secretary of State to issue grants to all Surveyors now in office.

A bill to amend an act entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved December 7th, 1859.

A bill to amend section 3320 of the Code of Georgia.

A bill to amend the 3794th section of the 3rd Article of the Code of Georgia.

A bill to amend the 6th, 8th and 11th sections of an act incorporating the town of Georgetown, in Quitman county, and to add additional sections thereto.

A bill for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia.

A bill for the relief of Isaac Hardeman, of the county of Jones.

A bill to repeal an act entitled an act to increase the per diem pay of teachers entitled to the benefit of the Poor School Fund of this State, assented to March 3rd, 1865, and for other purposes.

A bill to authorize the payment of certain claims against the Western & Atlantic Railroad.

A bill to incorporate the the Empire State Manufacturing Company, in the county of Newton.

Leave of absence was granted to the Senator from the 22nd District, for a few days on important business.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

#### THURSDAY, FEBRUARY 15TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Yarborough.

Mr. Brown moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to legalize the marriage of first cousins, which have been contracted since 11th December, 1863, which motion was agreed to.

Mr. Thornton reported the following Resolution, to-wit:

WHEREAS, The people of Georgia have quietly and peaceably acquiesced in the results of the late Revolution, and have with entire unanimity, by their Conventional acts

and by their legislative proceedings, demonstrated their willingness to adopt any and all measures demanded or intimated by the National authority, that were necessary and proper to establish justice, to form a more perfect Union, and to insure domestic tranquility; and *whereas*, notwithstanding all these acts of amity, obedience, and fraternity, our towns, cities, and villages, are now being garrisoned by United States' colored troops, thus placing our former slaves, with arms in their hands, to arrest, fine, or imprison, and lord it over their former owners, and as a necessary result of their recent emancipation and self-aggrandizement, to maltreat our citizens, and insult their wives and daughters; and *whereon*, such conduct will inevitably tend to irritate and inflame the public mind, and produce scenes of disorder, violence and bloodshed; and *whereas*, if garrisons are deemed necessary, no such results would ensue by placing white troops, under competent officers:

*Therefore, be it Resolved, by the General Assembly, That his Excellency, the Governor, be instructed to immediately send a Commissioner to Washington City, to properly represent the above facts, and to urge, with all his power, upon the President, the Secretary of War, and Gen. Grant, the justice, wisdom and propriety of removing the colored troops.*

*Be it further Resolved, That this General Assembly will provide the means to defray the expenses, and pay the services, of such Commissioner,*

On motion, the rules were suspended, and the Resolution was taken up, read, and agreed to, and the Secretary was instructed to transmit the same forthwith to the House of Representatives.

Mr. J. A. W. Johnson, from the Committee appointed to report a bill organizing an Orphan's Home, or Homes, reported the following bill, which was read the first time, to-wit:

A bill to organize and establish an Orphan's Home, in this State.

On motion, 250 copies of the same was ordered to be printed for the use of the Senate and House of Representatives.

Mr. Casey, from the Committee on Banks, to whom was referred a bill entitled an Act for the relief of the several Banking Institutions of the State, and of the Stockholders thereof, and to repeal certain sections of the Code of Georgia in relation thereto, and for other purposes, have had the same under consideration, and propose to strike out the 4th Section in the bill, and offer in lieu thereof the following amendment, to-wit:

"Every holder of the bills of any Bank making such as-

assignment, shall be entitled to his full share of the assets of such Banks, in proportion to the amount said billholders may have paid for the same, according to the practices established by law. And said billholder shall not be allowed to proceed to judgment in any suit against the stockholders of such Banks only for the amounts that may remain due and unpaid by, and from the assets of said Banks, and then only for what is remaining due and unpaid;" with which they recommend that the bill be passed.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bills :

A bill to change the name of the Confederate Fire and Marine Insurance Company, and to make more definite the liabilities of the stockholders.

A bill to change the name of the Milledgeville Rail Road Company, and for other purposes.

A bill to allow the Ordinary of Polk County to keep the records and papers of his office at his residence, till the building of a Court House for said County.

A bill to authorize the Justices of the Inferior Court of the County of Bulloch, to levy and collect an extra tax for the building of a Court House and bridges in said County, and for other purposes.

A bill to repeal all but the fifth and ninth Sections of an Act, entitled an Act additional to an Act to incorporate the town of Brunswick, in the County of Glynn, to define its jurisdictional limits, &c., &c., approved February 22nd, 1856, to amend said Charter, to confirm the doings of the Mayor and Council, to mark the boundary lines of the town and commons, and for other municipal purposes therein specified, assented to December 22nd, 1857.

A bill to consolidate the office of Receiver of Tax Returns, and that of Tax Collector, for the Counties of Effingham and Gilmer.

A bill to amend the second section of an Act entitled an Act to incorporate the Empire State Iron and Coal Mining Company, and to confer certain powers and privileges thereon, passed over the Governor's veto by Senate and House, December 9th, 1862.

They have also concurred in the amendments of the Senate to the following bills of the House of Representatives :

A bill to fix the salaries of the Judges, and certain other officers of the State of Georgia.

A bill to repeal an Act assented to December 10th, 1803, incorporating the town of Elberton, and all Acts amendatory thereof, and to incorporate said town, and to give the town council of said town certain powers hereinafter specified.

They have also concurred in the action of the Senate adopting a substitute for the following bill of the House of Representatives:

A bill to prevent the citizens of other States from enticing laborers to forfeit their contracts for labor, and to abandon the interests of their employers.

They have also passed the following bills of the Senate:

A bill to amend and add to the 3,985th Section of the Code of Georgia.

A bill to amend the charter of the town of Athens.

A bill to repeal an Act entitled an Act to amend the Charter of the Macon & Western Rail Road, assented to December 14th, 1863, and also an Act entitled an Act to amend an act to amend the Charter of the Macon & Western Rail Road Company, assented to December 14th, 1863, assented to March 19th, 1864.

The House has rejected the following bill of the Senate, to-wit:

A bill to repeal an Act to change the second section of an Act entitled an Act to alter and amend the Road laws of this State, approved December 19th, 1818, so as to extend and define the ages to which persons shall be liable to work upon public roads, assented to December 4th, 1862.

Mr. Black reported the following Resolution:

*Resolved*, That the Judiciary Committee be instructed to enquire into the expediency of regulating and fixing the present value of notes, drafts, bills of exchange, accounts, or other evidences of debt, made or contracted during the late war, and report by bill or otherwise.

Mr. Daley reported the following Resolution:

*Resolved*, That the Postmaster General of the United States be requested to recommend that the following mail routes be established by the Congress of the United States, to-wit: A mail line for weekly service from Reidsville, in Tatnall County, by the way of Brewton's Mills, William Deloach's Mills, Bengal; Statesboro, Mill Ray, and thence to Halcoyndale, on the Central Rail Road. Also, a mail line for weekly service from Reidsville, Tatnall County, by the way of Cobb Town, to Swainsboro, in Emanuel County.

*Resolved*, That his Excellency the Governor be and he is hereby requested to transmit a copy of this Resolution to the Postmaster General of the United States.

On a call of the roll the following bills were introduced and read the first time, to-wit:

By Mr. Owens—a bill to give certain powers to the

Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

By Mr. Paris—A bill to incorporate Wahatchee Mining Company.

By Mr. C. H. Smith—A bill to authorize the introduction of oral evidence, to establish advancements of real estate in certain cases, and to define the mode of procedure whereby the title to real estate may be secured and quieted.

Also, a bill to incorporate the Rome Gas Light Company.

Also, the following Resolution :

“WHEREAS, It is considered expedient to establish a new Penitentiary for the confinement of white convicts; and *whereas*, There is no place considered so eligible as the Stone Mountain property, in the County of DeKalb, Be it therefore

*Resolved*, That his Excellency the Governor be authorized to appoint three competent persons to examine this site, and should they adjudge it to be the most suitable place, they shall, with the Governor's approval, contract for and purchase said property, or so much thereof as may be necessary for the purpose aforesaid.

*Be it further Resolved*, That should the said purchase be made, his Excellency the Governor shall, as soon as practicable, transfer the convicts in the old Penitentiary to that point for labor, and make all necessary arrangements for their security and support, and the speedy erection of suitable and safe enclosures and buildings.

By Mr. Wilcox—A bill to repeal the 4,413th section of the Code of Georgia.

Mr. Smith, Chairman of the Committee on Finance, submitted the following report :

The Committee on Finance have had under consideration the following bills, to-wit :

A bill to be entitled an Act for the relief of the people of this State from the burden of taxes for the present year, and to authorize his Excellency the Governor to raise the sum of two million of dollars for the support of the Government of the State for the year 1866, by the issue of State Bonds, and for other purposes ; which they recommend do not pass.

Also, a bill to be entitled an Act to authorize the levy of a specific tax upon all spirituous liquors distilled in this State, and to make penal the violation of certain provisions thereof ; which they recommend do not pass.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following Acts, to-wit :

An Act to alter the 2nd and 3rd Congressional Districts, so far as relates to the County of Schley.

Also, an act for the relief of the Muscogee Building and Loan Association, and the Columbus Building and Loan Association.

Also, an act to alter and amend Sections 4,596 and 4,597 of the Code of Georgia.

Also, an act for the relief of all persons who were bona fide soldiers of the Army of the late Confederate States, for acts done or committed under an order or orders from any officer of the same; also to relieve officers for any act done under orders from a superior officer.

Also, an act to allow Attorneys and Solicitors of this State to argue their causes in the Supreme Court of Georgia, by written argument, and for other purposes.

Also, an act to punish persons for inducing or attempting to induce laborers of this State to forfeit their contracts and to abandon the interests of their employers.

Also, an act to make the owners and possessors of mischievous dogs, or persons having charge of the same, liable for damages, and for other purposes.

Also, an act to authorize the Inferior Court of the County of Lumpkin, to levy an extra tax for the purpose of building a Jail, upon the recommendation of the Grand Jury of said County.

Also, a preamble and resolutions requesting the Secretary of the Treasury of the United States to suspend the collection of the Internal Revenue tax in Georgia, and requesting Congress to allow this State to assume and collect the same.

The Senate took up the report of the Committee of the whole on the bill to reduce the bonds of the Sheriffs of Washington, Hancock, and Baldwin Counties.

Mr. Griffin moved to include the Counties of Wilkinson, Twiggs, and Jones, in the provisions of this bill, which was agreed to.

Mr. Kenan moved to strike out the County of Washington, which was agreed to.

Mr. Strickland moved to amend by including the Counties of Polk, Paulding, and Haralson, in the provisions of the bill, which was agreed to.

Mr. Simmons moved to include the County of Taylor in the provisions of the bill, which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed, under the following title, to-wit:

▲ bill to reduce the bonds of Sheriffs in certain Counties therein named.

The Senate took up the report of the Committee of the



whole on the bill to change the terms of the Superior Court of Worth County.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to extend the corporate limits of the city of Rome.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to enlarge the powers of the City Council of Augusta.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill for the relief of the people of this State from the burden of taxes for the present year, and to authorize his Excellency the Governor to raise the sum of two millions of dollars, for the support of the State for the year 1866, by the issue of State Bonds, and for other purposes.

The Committee on Finance, to whom this bill was referred, recommend that it do not pass.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to incorporate the Oostanaula Steamboat Company, with powers of insurance.

On motion the bill was referred to the Committee on the Judiciary.

The Senate took up the report of the Committee of the whole on the bill to levy a specific tax upon all spirituous liquors distilled in this State, and to make penal the violation of certain provisions thereof.

The Committee on Finance, to whom this bill was referred, reported the same back to the Senate with the recommendation that it do not pass.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to allow the Inferior Court of the County of Forsyth, to retain the State tax of said County, for the years 1866 and 1867, for the rebuilding of the Jail of said County, and for other County purposes.

The Committee on Finance, to whom this bill was referred, recommend that it do not pass.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the

whole on the bill to amend the 4,270th Section, 4th division, part 4th, title 1st, of the penal code.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

Mr. Brown moved to strike out in the first section the words "with death," and insert the words "by confinement in the Penitentiary not less than ten nor longer than thirty years, which motion was lost.

Mr. Ezzard moved to amend by adding the following proviso, which was agreed to, to-wit :

*"Provided, It shall be proven on the trial that the offence and pregnancy of the female was committed with "malice aforethought."*

The report of the Committee as amended was agreed to, the bill was read the third time and lost.

The Senate took up the report of the Committee of the whole on the bill to incorporate the Mining, Manufacturing, and Improvement Company.

The Committee on Internal Improvements to whom this bill was referred, reported the same back with the following amendments, with which they recommend that it be passed :

1st, by striking out all after the word "provided" in the latter clause of the 1st section, and inserting the following: "That said Company shall first obtain a Charter from the General Assembly for such Rail Road or Rail Roads."

2nd, By striking out all the latter clause of second section, which is in the following words: "and when the sums due or to become due on respective shares, shall have been paid, such owners shall not be liable for any further payment on account thereof."

And further to amend by striking out all of the fourth section after the word "passage," and inserting the following: "Reserving to the General Assembly the right to modify, alter, or amend said charter."

The amendments were agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to allow all persons in this State who were maimed in the late war, to peddle and vend goods, wares, and merchandise, in any County of this State, under certain restrictions therein provided.

The Committee on the Judiciary, to whom this bill was referred, reported the same back to the Senate with certain amendments, with which they recommend the passage of the bill.

They Committee propose to amend the 1st section by

striking out the words "and Confederate States." Also, to insert the words "for one year" in the same section, to come in after the words "County of this State," and before the word "provided." Also to amend the second section by striking out "two dollars" for Clerk's fee, and inserting "one dollar."

They further propose to amend the same section by adding the words "and no other charge shall be made for said license."

The amendments were agreed to.

Mr. Butler moved to amend by inserting after the word "avocation," in the 1st Section, the words "and widows and orphans of such as are dead," which motion was agreed to.

Mr. Wilcox moved to lay the bill, with the amendments, on the table, which motion was lost.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following Resolutions and Acts, to-wit:

An act to amend and add to the 3,985th Section of the Code of Georgia.

An act to amend the Charter of the town of Athens.

An act to repeal an act entitled an act to amend the Charter of the Macon & Western Rail Road, assented to December 14th, 1863.

Also an act to amend an act to amend the Charter of the Macon & Western Rail Road Company, assented to December 14th, 1863, assented to March 19th, 1864.

The Senate took up the report of the Committee of the whole on the bill to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to carry into effect the 9th clause of section first, article 5th, of the Constitution of this State, in reference to the marriage relation between white persons and persons of African descent.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

Mr. Owens moved to lay the bill on the table, which motion was lost.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to authorize Dr. H. W. L. Craig, of the County of Wilcox, and all other persons similarly situated, to practice medicine in this State without a license, and for other purposes.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to compensate Ordinaries and Clerks of the Superior Courts for administering amnesty oaths.

On motion the same was laid on the table of the balance of the Session.

The Senate took up the report of the Committee of the whole on the bill to alter and amend section 3,320 of the Code of Georgia in relation to bail in civil cases.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The report of the Committee was agreed to, the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to allow the Inferior Court of Milton County to retain the State tax of said County for the years 1866 and 1867, for rebuilding the Jail of said County, and for other County purposes.

The Committee on Finance, to whom this bill was referred, reported the same back to the Senate with the recommendation that it do not pass.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill to provide for the collection of debts in this State, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the Committee of the whole on the bill to fix the amount of compensation that members and officers of the General Assembly shall receive for their services, until otherwise altered by law.

On motion the same was referred to the Committee on Finance, and made the special order for Monday next.

The Senate took up the report of the Committee of the whole on the bill to give the several Justices' Courts of this State jurisdiction in all cases sounding in damages, when the amount claimed does not exceed fifty dollars.

On motion the same was laid on the table for the present.

The Senate took up the Resolution of the House instructing the Finance Committee to report a bill remitting certain taxes.

On motion the same was referred to the Committee on Finance.

The Senate took up the report of the Committee of the

whole on the bill of the House to amend the 3,984th and 3,985th sections of the Code of Georgia.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House granting certain privileges therein named to the people living near the Western & Atlantic Rail Road.

On motion the same was indefinitely postponed.

The Senate took up the report of the Committee of the whole, on the re-considered bill of the House to authorize persons who are unable to work to retail spirituous liquors, and to peddle without paying license fee, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The report of the Committee was agreed to and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill of the House to compensate the petit jurors of Wilcox County.

On motion the same was postponed indefinitely.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Inferior Court of Pulaski County to levy and collect an extra tax for the years 1866, 1867, and 1868, for the purpose of building a Court House and Jail in said County, upon recommendation of the Grand Jury of said County.

On motion the same was laid on the table for the balance of the session.

The Senate took up the reconsidered bill of the House to legalize marriages between first cousins which have been contracted since the 11th December, 1863.

Mr. Gibson moved to amend the first section by inserting after the words "December, 1863," the words "or who may hereafter intermarry," which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the clerk thereof, the following Act, to-wit:

An act to fix the salaries of the Judges, and certain other officers of the State of Georgia.

The following bills of the House of Representatives were taken up and severally read the second time, to-wit:

A bill to relieve certain persons herein named from jury service in the several Courts of this State.

A bill for the relief of Isaac Hardeman, of the County of Jones.

The following bills of the House of Representatives were taken up and read the second time and severally referred to the Committee on Internal Improvements, to-wit :

A bill to incorporate the Empire State Manufacturing Company, in the County of Newton.

A bill to incorporate the town of Wrightsville, in the County of Johnson, to appoint Commissioners for the same, and for other purposes therein mentioned.

A bill to amend an act entitled an Act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved December 7th, 1859.

The following bills of the House of Representatives were taken up and read the second time and severally referred to the Committee on the Judiciary, to-wit :

A bill to facilitate actions against tenants holding over, and against intruders in this State.

A bill to perfect service against Express Companies.

A bill to declare valid all official acts of the civil officers, (both principals and deputies,) of this State, whether said officers have been pardoned by the President of the United States or not.

A bill to amend section three thousand three hundred and twenty, of the Code of Georgia.

The following bill of the House was read the second time and referred to the Committee on New Counties :

A bill to change the line of the County of Fayette, so as to include lots of land Nos. 186, 187, 188, and 166, in the 13th District of Clayton County.

The following bill of the House was read the second time and referred to the Committee on the Penitentiary :

A bill for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia.

The following bill of the House was read the second time and referred to the Finance Committee, to-wit :

A bill to authorize the payment of certain claims against the Western & Atlantic Rail Road.

The following bill of the House was read the second time and referred to the Committee on Education, to-wit :

A bill to repeal an act entitled an act to increase the per diem pay of teachers entitled to the benefit of the poor school fund of this State, assented to March 3rd, 1865, and for other purposes.

Mr. Owens, from the Committee on Internal Improvements, to whom was referred the bill of the House of Rep-

representatives to regulate the rates for transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation of the same, reported that they have had the same under consideration, and submit the following report:

*Mr. President :*

The Committee on Internal Improvements, to whom was referred a bill "to be entitled an act to regulate the rates for transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation thereof," have had the same under consideration, and have instructed me to make the following Report :

As this bill has already passed the House, they have considered that it would not be improper to present some of the reasons which have operated in bringing them to the conclusion that it should not become a law.

The bill proposes to restrict the rates of charge both for passengers and freight, on all the Rail Roads in this State, to the limit prescribed in the Charter of the Georgia Rail Road Company, viz: Five cents per mile for passengers, and fifty cents per hundred pounds for every hundred miles, without regard to the Charters of these Roads, which are not controlled by such provisions. It seeks to prohibit them from charging storage upon goods deposited with them, except upon certain conditions: to prevent them from the free use of their cars and rolling stock, by farming or letting them out at their pleasure: and finally, imposes heavy penalties upon their officers, for the violation of any of its provisions.

Upon examination of the Charters of the various Roads which have been established in the State, it will be found that the Legislature has, but in few instances, sought to control their action in these particulars. Satisfied with throwing such safeguards around the interests of the public, as would protect them from imposition and oppression, it has left these corporations free and unembarrassed in their management, assured, as is manifested by the results, that they would be so carried on as to insure the rapid advancement of the material interests of the State.

When these Roads were incorporated, and their Charters accepted, they constituted formal valid contracts with the State, and the franchises thereby granted could not be altered or recalled at the will of the Legislature. The laws of the State provide the most ample remedies for an abuse of their privileges, which must be pursued in the Courts, and in that tribunal their chartered rights can alone be invaded, by proof of such acts on the part of the Corporation as would work a forfeiture of them. If any of them have exceeded the just limits of their rights, an appeal to the

Court will redress the wrong, but both Court and Legislature are powerless to affect those which are not thus restrained.

By the solemn act of the Legislature, in granting these Charters, the Corporators acquired distinct vested rights, which are protected by the Constitution. Their money was invested, and their Roads constructed, on the faith of them, and the State became bound to maintain, not to infringe them. Of these rights, none were more important, none more valuable, than the right to use their own property as their own judgment might dictate; and to regulate their rates of transportation and travel as should best subserve the interests of the Corporators.

For the Legislature now to intervene and assume the right to control, as this bill proposes, the use and management of their own cars, and regulate the rates of fare and freight and storage would be, in the opinion of the Committee, an act directly impairing the obligation of the contract, and therefore obnoxious to the 14th Section of the 1st Article of the Constitution. It has the right to compel them all to conform to the rates prescribed for the Georgia Rail Road, it would be equally in its power to reduce them to a point at which they would be compelled to cease their operations; for *the right* once conceded, there remains nothing to restrain its exercise. If this right be super-added the right to designate as a crime a departure from these terms, and to impose heavy penalties upon the officers of the roads, their charters become worthless, and these institutions, hitherto so illustrative of the enterprise of the State, and so conducive to their material prosperity, must sink under the burdens which may be imposed upon them.

But apart from the constitutional objection, the Committee are impressed with the belief, that such a law would be unjust to these roads at the present time, and most prejudicial to the commercial and agricultural interests of the State at large.

It would be unjust, because these roads have suffered most severely by the continuance and result of the war which has just closed. All of them have been most seriously injured, by the incessant demands for transportation, involving a ruinous use of their rolling stock, and destructive wear and tear of their tracks. Some have been totally destroyed, and are now struggling to resuscitate themselves. Every article necessary for their reconstruction and restoration, has enhanced enormously in value. Iron, which before the war, was obtained at forty to fifty dollars per ton, now costs ninety; spikes which could be purchased at five cents per pound, now demand fifteen, whilst lumber, oil, machinery, and skilled labor, have proportionally increased



in value. The absence from the State during the war, of most of these essential elements to the maintenance of the roads, rendered it impossible for such of them as have not been destroyed, to keep themselves in repair. Every day was increasing the damage, and when the great struggle ended, and opportunities for supplying their wants, presented themselves, they were without available means. Their treasuries were indeed full of Confederate and State securities and notes, but the unfortunate issue of the contest, and the action of the Convention, annihilated them, at one blow.

To repair these damages, and to offer facilities to the public, for locomotion and transportation, they were compelled by a necessity over which they had no control, to increase their rates, but as far as the committee are informed, such increase has not greatly exceeded, except in a few instances, a price which would make the depreciated currency equal to the usual cost in gold and silver.

If those roads which were only partially injured, have been forced, for self-preservation, to pursue this course, how much stronger is the case presented by those which have been totally destroyed, and what gross injustice would be done, by restricting them to the prices of a time of peace?

That it would be unwise, and most injurious to the public at large, will appear from a casual consideration of the consequences. Whilst a few only of the roads have been limited in their rates, by their charters, it is matter of notoriety, that all of them anterior to the war, fixed their charges at a point much below these limits, and so graduated their prices, as to impose the lowest possible rates, upon those articles of prime necessity to the people, as bacon, flour, corn and salt, while articles of luxury or of greater market value, were properly made to bear a higher tariff. By this means, the cost has been equalized, the people have been accommodated, and the roads have lived and thriven. Corn has been transported at a cost of five cents per bushel for every hundred miles, flour at thirty cents per barrel, and bacon and salt, at almost equally nominal rates, and thus the wants of the community have been supplied, and their necessities relieved. Confine them to the fixed rates proposed, and the system of graduation will be discontinued, and these articles of consumption, must and will inevitably be placed upon the same footing with articles of luxury, and the cost of transportation so increased as to make it burdensome to the public, or compel them to a consumption inadequate to their wants. A bushel of corn, would then cost, twenty-eight cents per hundred miles, instead of five. A barrel of flour one dollar, instead of thirty cents, bacon, fifty cents per hundred pounds instead of fifteen, and

salt one dollar and upwards, per sack, for the same distance, instead of twenty cents, and, thus, the consumer, who lives at a distance, from the place of production, will be forced to pay almost as much in freight, as the original value of the article.

Such a result would be detrimental at all times, it would be doubly disastrous in the present condition of the country, when its wants are multiplied, and its means of supplying them so diminished ; yet such would be the inevitable consequence of the policy indicated by the bill.

That the expense of travel and transportation, may have been greater, than a period of flowing prosperity would justify, is apparent to the committee, but it has been induced by the excessive demand upon the few roads which have been in operation, and the necessity for means to relieve their exhaustion, and enable them to respond to that demand ; and it is an evil which is daily correcting itself, by the gradual but steady completion of those which are being rebuilt, and which are presenting additional facilities to the public ; a result which, may be relied on to reduce the prices complained of, by the earnest and active completion of rival routes, a remedy far more certain and effectual, than unwise legislation would supply.

In view of all these facts, the committee are of the opinion, that the bill is not only unconstitutional, but that it would fail to accomplish the purposes designed, and they therefore recommend that it do not pass.

All of which is respectfully submitted,

GEO. S. OWENS,

Chm'n Com. In. Improvements.

On motion 100 copies of the foregoing report was ordered to be printed for the use of the Senate.

The following bills of the House of Representatives were read the first time, to-wit :

A bill for the relief of Martha A. Lester, of the County of Fulton.

A bill to change the name of the Confederate Fire and Marine Insurance Company, and to make more definite the liabilities of the Stockholders.

A bill to incorporate the Gate City Gas Light Company.

A bill to incorporate the McClusky Gold Mining Company.

Leave of absence was granted to the Senators from the 12th and 3rd Districts for a few days on important business.

On motion the Senate adjourned until 10 o'clock to-morrow morning.

FRIDAY, FEBRUARY 16TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Moore, Chairman of the committee on the Judiciary, made the following report :

*Mr. President* :—The Judiciary committee to whom were referred certain bills, have had the same under consideration, and direct me to report thereon, as follows :

A bill to be entitled an act amendatory of the law relating to the establishment of lost papers, which they recommend do not pass.

Also, a bill to be entitled an act to incorporate the Oglethorpe Insurance Company of Savannah, assented to Nov. 24, 1863, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to repeal the one hundred and thirty-fourth section of the Code, which they recommend do not pass.

Also, a bill to be entitled an act to amend the 1350 section of the Code of Georgia, which they recommend do pass.

Also, a bill from the House of Representatives to be entitled an act allowing the redemption of lands forfeited or sold for taxes due the State, or any county, or city thereof, by paying the taxes of each, and the legal rate of interest per annum, thereon, together with costs which may have accrued, which they propose to amend by striking out all that part of the first section beginning with “but in estimating the taxes” &c., and substituting therefor, the following :

“The tax for each year shall be estimated at the same rate as was imposed on the same lands in the year 1860”, and with this amendment, they recommend the passage of the bill.

Also, a bill to be entitled an act to perfect service against Express Companies, which they recommend do pass.

B. B. MOORE, Chairman.

Mr. Smith, Chairman of the committee on Finance submitted the following report :

*Mr. President* :—The Committee on Finance have had under consideration, the following bill of the House, to-wit :

A bill to be entitled an act to authorize the payment of certain claims against the Western and Atlantic Rail Road, which they recommend *do not pass*.

C. H. SMITH,  
Chairman Finance Committee.

On motion the rules were suspended, and the Senate took up the resolution instructing the committee on the Judiciary, to report by bill or otherwise, the expediency of fixing the present value of notes, drafts, &c.

The resolution was agreed to.

On motion the rules were further suspended, and Mr. Thornton reported the following resolution :

WHEREAS, A large portion of the present Code of the laws of Georgia, and acts amendatory thereof, relate to slavery, and the laws governing slave property, and to crimes committed by slaves, and their punishment, which are wholly inoperative and of no effect, on account of the constitutional amendment abolishing slavery. *And whereas*, the present General Assembly have by resolution, authorized the Hon. David Irwin to publish a new Code, with the various changes and amendments made in the law, *and whereas*, it would render said new Code unnecessarily voluminous to insert the laws above referred to ; for remedy thereof,

*Be it Resolved by the General Assembly*, That His Excellency the Governor, be, and he is hereby authorized to appoint one or more competent and suitable persons, with the Hon. David Irwin, to reform, revise, and curtail said new Code, so as to abridge and expunge all laws, acts and parts of acts of this State, which have become obsolete, inoperative, or void, on account of the constitutional amendment abolishing slavery and slave property.

*Be it further Resolved*, That the Governor be authorized to pay for the services above contemplated, such compensation as he may deem reasonable and just, out of the contingent fund.

The rules being suspended, Mr. O. P. Beall reported the following resolution :

WHEREAS, Our relations to the Federal Government are at the present very uncertain, the action of the Congress in reference to the people of the late insurgent States, (so-called,) still undeveloped and shrouded in mystery, and in view of the probable abnegation of all the acts of this General Assembly, under the circumstances which environ the people of the State, and the necessity of conforming in our legislation to that of Congress, and in view of the necessity of preparing for a forthcoming harvest, requiring the presence at home of the larger part of the Members of the General Assembly, therefore,

*Resolved*, That this General Assembly will adjourn over from the 20th day of February instant, to the day of \_\_\_\_\_, unless sooner convened by the Governor, who is hereby authorized to do so whenever he may think the interest of the State requires it.

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JOURNAL OF THE SENATE  
The Senate took up the report of the committee of the whole on the bill amendatory of the law relating to the establishment of lost papers.

The committee on the Judiciary to whom this bill was referred, reported adversely to its passage.

The report of the committee was disagreed to.

On motion the same was laid on the table for the present.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bills:

A bill to amend an act entitled an act to incorporate the Mechanics Savings Association of the City of Columbus, assented to April 13th, 1863.

A bill to alter and amend the several acts incorporating the City of Atlanta, in Fulton county.

A bill to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

A bill to alter and amend "an act entitled an act to extend and define the corporate limits of the town Newnan, in the county of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers, and for other purposes therein named."

A bill to amend an act to incorporate the Skidaway Shell Road Company, and for other purposes therein named, assented to December 22d, 1857

A bill to authorize the Justices of the Inferior Court of Bartow county to settle or compromise the bonds of said county, that are now due and unpaid, and to issue new bonds for the same.

A bill to incorporate a town to be called Vernonburg.

A bill to appropriate money to repair and wind up the State House clock, for the year 1866.

A bill to incorporate the North-Western Mining Company.

A bill to alter and amend the charter of the City of Columbus.

A bill to incorporate the Atlanta Canal and Water Works Company.

A bill to add an additional clause to the 1540th section of article 2d, chapter 7th, part 1st, title 16th, of the Code of Georgia.

A bill to exempt Professors of Colleges and Teachers of public or County Schools, from Road and Jury duty.

A bill to change the time of holding the terms of the Superior Court of Muscogee county.

A bill to amend section 349 of the Code of Georgia.

A bill to compel Rail Road, Steamboat and Express Com-

panies, to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

A bill to incorporate the Georgia Manufacturing and Paper Mill Company.

A bill to incorporate the Dawson Manufacturing Company.

A bill to incorporate the Georgia and Alabama Petroleum Mining and Manufacturing Company.

A bill supplementary to, and explanatory of the 2462d section of the Code of Georgia, in relation to the administration of unrepresented estates, and to add additional sections thereto.

Mr. Overstreet, from the joint committee on the Lunatic Asylum, submitted a majority report, and Mr. Hand of the House of Representatives, a Minority report, 100 copies of each of which were ordered to be printed, without being read.

The Senate took up the report of the Committee of the whole, on the bill to amend an act to incorporate the Oglethorpe Insurance Company, of Savannah, assented to Nov. 24th, 1863, and for other purposes.

The committee on the Judiciary to whom this bill was referred, reported the same back to the Senate, with the recommendation that it be passed.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to amend the 1350th section of the Code of Georgia.

The Committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to repeal the 134th section of the Code.

On motion the same was laid on the table for the present.

The Committee on the State of the Republic, have had under consideration House resolution relating to citizens of this or other States, interfering with Freedmen of this State, in order to induce them to forfeit their contracts and abandon the interest of their employees, and recommend their indefinite postponement, because the Senate have passed a bill accomplishing the same objects.

Also, House resolutions requesting the Governor to memorialize the Secretary of the Treasury, in regard to the

seizure of cotton, in certain cases, which they recommend be laid upon the table for the action of the House upon the Senate Resolutions, which they believe are much better than those of the House, upon the same subject.

They have also carefully read the valentine presented to the Senate on the fourteenth day of February 1866, upon the subject of foreign immigration, and highly appreciating the chaste poetry therein contained, recommend that the same be made the special order of the day, for the 14th day of February 1867.

All of which is respectfully submitted,

B. A. THORNTON,  
Chairman.

The Senate took up the report of the committee of the whole, on the bill of the House to regulate the rates of transportation of freight and travel, over the several Rail Roads of this State, and to punish for a violation thereof.

The committee on Internal Improvements to whom this bill was referred, reported the same back to the Senate with the recommendation that it do not pass.

On motion the bill was made the special order for Monday next.

The Senate took up the report of the committee of the whole, on the bill of the House, to authorize the payment of certain claims against the Western & Atlantic Rail Road.

The Committee on Finance, to whom the bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House to relieve certain persons herein named from Jury service in the several Courts in this State.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, for the relief of Isaac Hardeman, of the county of Jones.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled, signed by the Speaker of the House of Representatives, and attested by the Clerk of the same, the following acts, to-wit:

An act to amend an act incorporating the town of Weston, Webster county, Georgia, passed March 6th, 1856.

Also, an act to authorize the Justices of the Inferior Court of the county of Heard to levy and collect a tax for certain purposes.

Also, an act to provide for the election of a town council for the town of Ringgold, in Catoosa county, in certain cases.

Also, an act to alter and amend paragraph 1232 of chapter second, of the revised Code of Georgia.

Also, an act to legalize the acts of John C. Wells and all other persons in this State, acting as Ordinaries, under commission from His Excellency James Johnson, Provisional Governor.

Also, an act to authorize Artemesia A. E. Jones, wife of James M. Jones, of Bibb county, to receive any property she is, or may hereafter be entitled to, by inheritance or otherwise, where the same is not limited over, in the same manner, as though she were a "feme sole".

Also, an act to change the time of holding the Courts of Ordinary of this State.

The Senate took up the report of the committee of the whole, on the bill of the House, allowing the redemption of lands forfeited or sold for taxes due the State or any county or city thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs which may have accrued.

The committee on the Judiciary, to whom this bill was referred, propose to amend the first section by striking out the latter part thereof, beginning with "but in estimating the taxes, &c", and substituting the following therefor: "the tax for each year shall be estimated at the same rate as was imposed on the same lands in the year 1860"; and with this amendment, they recommend that it do pass.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House to perfect service against Express Companies.

The committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the resolution of the House relative to citizens of this and other States interfering with Freedmen.

On motion the same was postponed indefinitely.



The Senate took up the resolution of the House requesting a Mail route to be established from Doctor-Town to Ocmulgee-ville.

On motion the same was concurred in.

Mr. Redding, Chairman of the Penitentiary committee, made the following report :

*Mr. President* :—The Penitentiary committee to which was referred the bill for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia, have had the same under consideration, and direct me to report in favor of the passage of the bill.

A. W. REDDING, Chairman.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have adopted the following resolutions, in which they invite the concurrence of the Senate, and have directed me to transmit the same forthwith to this branch of the General Assembly.

A resolution requesting the Comptroller General to furnish certain information in regard to the Banks of this State.

A Resolution providing for the appointment of a committee of three from the House, and two from the Senate, to examine the State Library, and report upon the same.

The committee on the part of the House are Messrs. Kibbee, Dodson and Mallard.

A Resolution declaring that the Legislature will not entertain the application of any Banking corporation, for relief as to liabilities or penalties incurred, except in certain cases.

On motion of Mr. Thornton, 50 copies of the report of the joint standing committee of the General Assembly of 1857, on the Penitentiary, was ordered to be printed for the use of the Senate.

On motion the rules were suspended, and the Senate took up the resolution relative to selecting a site for a Penitentiary.

On motion the same was laid on the table for the present.

The rules being further suspended, Mr. Thornton introduced a bill to add an additional clause to the 2531st section of the Code, which was read the first time.

On motion the rules were further suspended, and the Senate took up the report of the committee of the whole, on the bill amendatory of the law relating to the establishment of lost papers.

Mr. O. L. Smith moved to amend by inserting after the word "thereof" in the sixth line of the 1st section, the words "by giving five days notice to the party against whom said indebtedness is sought to be established and"—which motion was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following bill was read the second time, to-wit :

A bill to incorporate the Rome Gas Light Company.

The following bills were taken up, and read the second time and severally referred to the committee on the Judiciary, to-wit :

A bill to authorize the introduction of oral evidence to establish advancements of real estates in certain cases, and to define the mode of procedure, whereby the title to real estate may be secured and quieted.

A bill to incorporate Wahatchee Mining Company.

A bill to repeal the 4413th section of the Code of Georgia.

A bill to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court.

A bill to authorize the legal voters of Bartow county to determine, by ballot, the question of removal or no removal of the county site, and to repeal an act to submit the question of the removal of the county site of Cass county, to the legal voters of said county, and for other purposes.

The following bills of the House of Representatives were read the second time, to-wit :

A bill to repeal an act to amend the charter and corporate laws of the City of Milledgeville, as to the mode of electing Aldermen, assented to March 7th, 1865.

A bill to incorporate the town of Steadman in the county of Newton, and to confer upon the citizens of said town the privilege of electing commissioners with certain rights and powers therein enumerated.

A bill to authorize the Justices of the Inferior Court of Scriven county, to levy a tax for the support of the widows and orphans of deceased or disabled soldiers of said county.

The following bills of the House of Representatives, were taken up, and severally read the second time, and referred to the committee on the Judiciary, to-wit :

A bill for the relief of Martha A. Lester, of the county of Fulton.

A bill to amend the 3794th section of the 3d article of the Code of Georgia.

A bill to alter the road laws of this State, and to amend

the 585th, 588th, 594th, 602nd and 604th, sections of the Code of Georgia.

A bill to compensate Ordinaries and Clerks of the Superior Courts, for administering the amnesty oath, and for other purposes.

A bill to authorize the appointment of vendue masters in the several incorporated towns and cities, of this State.

A bill to extend the time in relation to issuing grants on head rights, so as to extend the time for granting the same, until the 25th day of December 1868, and to authorize the Secretary of State to issue grants to all surveys now in office.

A bill for the relief of R. L. Haynes M. J. Seals, A. H. Teasley, Jathan Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, J. F. Kincannon, W. P. Brown, R. A. Camp, and L. P. Brown, of Milton county, in this State, securities of B. T. Handley, who was indicted, under the name of Thomas Handley, at the March term of the Superior Court, eighteen hundred and sixty-five, of said county of Milton, for the offence of robbery.

A bill to amend the 6th, 8th, and 11th sections of an act incorporating the town of Georgetown in Quitman county, and to add additional sections thereto.

A bill to authorize the Inferior Courts of this State, to make out Jury lists, and draw Juries for the Superior Courts, whenever the Jury boxes have been lost or destroyed, or wherever Juries have not been drawn by the Judge of the Superior Court of any county, and to provide for the summoning of persons drawn as Jurors, and to punish as for contempt those who do not attend after having been summoned, &c.

A bill to incorporate the Macon Canal and Water Works, to authorize the Mayor and Council of the City of Macon, to subscribe to the stock of said Company, to issue the bonds of said city to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

The following bills of the House of Representatives were taken up, and read the second time, and severally referred to the committee on Internal Improvements, to-wit:

A bill to incorporate the Gate City Gas Light Company.

A bill to incorporate the McClusky Gold Mining Company.

A bill to change the name of the Confederate Fire and Marine Insurance Company, and to make more definite the liabilities of Stockholders.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole, on the bill of

the House, for the pardon of Terry L. Cox, a convict in the Penitentiary of Georgia.

The committee on the Penitentiary, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed by a constitutional majority.

Those who voted in the affirmative are Messrs :

Barwick, Beall, O. P., Black, Bower, Carter, Crawford, Daley, England, Ezzard, Freeman, Fuller, Gholston, Griffin, Johnson, J. A. W., Johnson, J. F., Kenan, McDaniel, Moore, Owens, Parris, Quillian, Redding, Russell, Simmons, Smith, O. L., Strickland, Thornton, Turner, Wilcox.

Yeas 29, Nays 0.

The following bills of the House of Representatives were taken up, and severally read the first time, to-wit :

A bill to incorporate the Atlanta Canal and Water Works Company.

A bill to amend an act entitled an act to incorporate the Mechanics Savings Association, of the City of Columbus, assented to April 13th, 1863.

A bill to compel Rail Road, Steamboat and Express companies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

A bill to incorporate the North-Western Mining Company.

A bill to incorporate the Georgia and Alabama Petroleum Mining Company.

A bill to incorporate the Georgia Manufacturing and Paper Mill Company.

A bill to alter and amend the several acts incorporating the City of Atlanta, in Fulton county.

A bill for the relief of certain Physicians in this State.

A bill to change the line between the counties of Baker and Early.

A bill to authorize the Justices of the Inferior Court of Bartow county to settle and compromise the bonds of said county that are now due and unpaid, and to issue new bonds for the same.

A bill to incorporate the Dawson Manufacturing Company.

A bill to amend the 1775th and 1776th sections of the Code, relative of Orphans.

A bill to incorporate a town to be called Vernonburg.

A bill to authorize the Justices of the Inferior Court of the county of Bulloch, to levy and collect an extra tax for the building of a Court-House, and bridges, in said county, and for other purposes.

A bill to amend the act incorporating the town of Black-shear, in Pierce county, approved December 16th, 1859.

A bill to change the name of the Milledgeville Rail Road Company, and for other purposes, assented to December 22d, 1857.

A bill to allow the Ordinary of Polk county to keep the records and papers of his office at his residence, till the building of a Court-House for said county.

A bill to incorporate the North Georgia Petroleum and Mining Company, and for other purposes.

A bill to consolidate the offices of the Receiver of tax returns and tax Collector, of the counties of Effingham and Gilmer.

A bill for the relief of Administrators, Executors, Guardians and Trustees, in certain cases.

A bill to repeal an act entitled an act the better to regulate the liquor traffic in the counties of Taliaferro, Green, Washington and Henry, and for other purposes, assented to Dec. 12th, 1860, so far as the said act relates to the county of Taliaferro.

A bill to amend an act to incorporate the Skidaway Shell Road Company, and for other purposes therein named.

A bill to alter and amend the charter of the City of Columbus.

A bill to amend 349th section of the Code of Georgia.

A bill to change the time of holding the terms of the Superior Court of Muscogee county.

A bill to exempt from Road and Jury duty, Professors of Colleges and Teachers of public or county Schools, in this State.

A bill relative to Bonds of Trustees.

A bill to incorporate the Okefenoke Land and Canal Company.

A bill to amend the 4613th section of the Code of this State.

A bill to appropriate money to repair and wind up the State-House Clock, for the year 1866.

A bill to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

A bill to incorporate the Lookout Valley Mining Company.

A bill to ratify certain acts of Executors, Administrators, Trustees and Guardians, and of Judicial and Ministerial officers, and for other purposes therein mentioned.

A bill to amend an act to incorporate in the State of Georgia an Insurance Company to be called the "Great Southern Insurance Company", assented to December 17th, 1861.

A bill to authorize the Inferior Court of the county of

Twiggs to borrow money to pay the indebtedness, and for other purposes of said county.

A bill to revive, alter and amend, an act entitled an act to incorporate an Insurance Company in the City of Columbus, to be called the Merchants Insurance Company of Columbus. Georgia, assented to November 14th, 1864, to change the name to the Merchants and Planters Insurance Company, of Columbus Georgia.

A bill to authorize the Justices of the Inferior Court of the county of Early in this State, to levy and collect an extra tax, to pay for provisions heretofore purchased by them for the poor of said county, and for the use of disabled Soldiers and their families.

A bill supplemental to and explanatory of the 2462d section of the Code of Georgia, relating to the administration of unrepresented estates.

A bill to add an additional clause to the 1540th section of the Code of Georgia.

A bill to change the times of holding the Superior Courts of Clay county, in the Pataula circuit, and of Worth county, in the South-Western Circuit.

A bill to add an additional section to an act incorporating the town of Fayetteville, assented to Dec. 20th, 1823, and to amend section 3d of said act.

A bill to fix jail fees for dieting prisoners.

A bill to repeal so much of an act entitled an act to add a part of the county of Paulding to the county of Carroll, and a part to the county of Floyd, assented to on the 22d. day of December, 1847, as relates to lots number 520, 591, and 601, in the first district, third section of original Paulding county, and to add lots number 413 and 414, first district and third section of Paulding county, to the county of Carroll.

A bill to repeal an act to authorize the Trustees of the Glynn county Academy, to lease or sell the Academy.

A bill to alter and amend an act entitled an act to extend and define the corporate limits of the town of Newnan in the county of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers and for other purposes, therein named.

A bill to amend the 2d section of an act entitled an act to incorporate the Empire State Iron and Coal Mining Company, and to confer certain powers and privileges thereon, passed over Governor's veto by Senate and House of Representatives, Dec. 9th, 1862.

A bill to incorporate the Dalton Petroleum and Mining Company.

A bill to repeal all but the fifth and ninth section of an act entitled an act, additional to an act, to incorporate the town

of Brunswick, in the county of Glynn, to define its jurisdictional limits, &c., &c.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

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SATURDAY, FEBRUARY 17TH. 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Thornton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to authorize the payment of certain claims against the Western and Atlantic Railroad, which motion was agreed to.

The following message was received from His Excellency the Governor, by Mr. Hunter, his Secretary, to-wit:

*Mr. President:* The Governor has approved and signed the following Acts, to-wit:

An Act to increase the salary of the Superintendent of the Western and Atlantic Railroad.

An Act to amend an act entitled an act to incorporate the Georgia and Alabama Railroad Company, and to grant certain powers and privileges to the same, and for other purposes, approved February 18th, 1854.

An Act to amend the Charter of the town of Athens.

An Act to amend and add to the 3985th section of the Code of Georgia.

Also, a resolution respecting the penalty of the bond given by Aaron Thornby, principal, and Edwin R. Harden, security.

Mr. Moore, Chairman of the Committee on the Judiciary submitted the following report:

*Mr. President:* I am instructed by the Judiciary Committee to report back to the Senate the following bills, which were referred to them and which they have had under consideration, viz.:

A bill to be entitled an act to regulate the sale of spirituous liquors, and to provide against the keeping of disorderly houses, for which the Committee report a substitute, to be entitled an act to amend the laws of this State concerning the retail of spirituous and malt liquors, which they recommend be passed in lieu of the original.

Also, a bill to be entitled an act to incorporate the North American Fire Insurance Company, of Atlanta.

The Committee suggest the addition of the words "and twenty per cent paid thereon" to follow "shall have been subscribed" in eighteenth line of second section; also, the words "or may be" between "are" and "imposed" in

eighth line of ninth section, and with these amendments they report in favor of the passage of the bill.

Also, a bill to be entitled an act to repeal the 4413 section of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to incorporate Wahatchee Mining Company.

The Committee propose to alter the first section so as to commence : that Lemuel L. Thomasson, William E. Brock, Robert M. Paris, E. T. Rogers and Mathew B. McMahan, be, and they are hereby created a body politic and corporate to be known as "Wahatchee Mining Company," &c. Also, to begin third section with "the said corporators, or any three of them, or their successors or assigns, may act as Commissioners, &c.," and with these amendments they recommend that the bill be passed.

Also, a bill to be entitled an act to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts in this State to adjust the equities between parties to contracts made, but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character, in lieu of which the Committee recommend the passage of a substitute which accompanies this report.

From the House of Representatives :

A bill to be entitled an act to amend the 3794 section of the Code of Georgia, which they recommend do not pass.

Also, a bill to be entitled an act for the relief of Martha A. Lester, of the county of Fulton, which they recommend do pass.

Also, a bill to be entitled an act to authorize the appointment of Vendue Masters in the several incorporated towns and cities of this State, which they recommend do pass.

Also, a bill to be entitled an act to amend section three thousand three hundred and twenty of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to extend the time in relation to issuing grants on Head-rights, so as to extend the time for granting the same until the 25th day of December, 1866, and to authorize the Secretary of State to issue grants to all surveys now in office, which they recommend do pass.

Also, a bill to be entitled an act to declare valid all official acts of the civil officers, both principals and deputies, of this State, whether said officers have been pardoned or not, which they recommend do pass.

Also, a bill to be entitled an act to compensate Ordinaries and Clerks of the Superior Courts for administering the amnesty oath, and for other purposes, which they recommend do not pass

Also, a bill to be entitled an act to amend the 6th, 8th



and 11th sections of an act incorporating the town of Georgetown, in Quitman county, and to add additional sections thereto, which they recommend do pass.

B. B. MOORE, Chairman.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill to submit the propriety of abolishing the State Penitentiary to the decision of the voters of this State.

A bill to incorporate the Elijay Mining Company.

A bill to incorporate the Bucks Manufacturing Company in the county of Schley.

A bill to incorporate the Grand Bay Manufacturing Company, in the county of Berrien.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill which I am directed to transmit forthwith to the Senate.

A bill to repeal a repealing act entitled an act to repeal an act, and the acts of which it is amendatory, entitled an act to provide for the indigent deaf and dumb citizens of this State; and also to provide for the appointment of a Commissioner, to regulate his duties, affix his salary, and appropriate money therefor, by increasing annual appropriation, and for other purposes, approved January 13th., 1852, assented to December 15th., 1862.

They have also passed the following bills:

A bill to make it penal for any officer, agent or other employee of any Railroad company in this State to charge for freights or passengers transported over said Railroads above the rates now allowed by their several charters.

A bill to enable the Judges of the Superior and Interior Courts of this State to fill vacancies by the appointment of Trustees in certain cases,

A bill to declare Olivia Kate Wallace, of the county of Morgan, the adopted child of Stephen B. Jones, late of said county deceased, so as to enable her to take and receive any property or legacy to which she may be entitled by his last will and testament.

A bill to authorize the several Ordinaries of this State to administer oaths and to receive compensation therefor.

A bill to legalize certain marriages in this State.

A bill to incorporate the Muscogee Insurance and Industrial Association.

A bill to change the line between the counties of Wilcox and Pulaski.

A bill to authorize certain sales to be made in other

counties in this State than where such sales are now required by law, and when certain kinds of property have been removed out of the State, to authorize the sale of the same in the State where it has been removed.

A bill to change the line between the counties of Dooly and Pulaski, so as to include the residence of John Bembry, of the county of Dooly within the limits of the county of Pulaski.

A bill to authorize the Justices of the Inferior Court of Clark county to raise money for certain purposes by an extra tax, or by the issue of bonds.

A bill to change the county of Scriven from the first Congressional District to the fifth Congressional District.

A bill to revive the Military Code of the State of Georgia as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code inconsistent with its provisions, and for other purposes.

A bill to change the time of holding the Superior Court of Lee county.

A bill to abolish the office of Adjutant & Inspector General.

A bill to incorporate the Atlanta Mining and Rolling Mill Company.

A bill to repeal paragraph 183, of part 1, title 4, chapter 1st, of the Code of Georgia.

They have also passed the following bills of the Senate:

A bill to change, define and make permanent the County line between Irwin and Wilcox counties.

A bill to amend an act to incorporate the town of Smithville, in the county of Lee, and to confer other powers on the same.

They have also passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly.

A bill to incorporate the Georgia and Alabama Mining and Manufacturing Company.

A bill incorporating the Chattahoochee Mining Company.

A bill to incorporate the North Georgia Mining and Manufacturing Company.

They have also adopted a substitute for the following bill of the Senate, in which they ask the concurrence of this branch of the General Assembly.

A bill to change the county line between the counties of Lee and Terrell, to add a portion of Lee to the county of Terrell, and for other purposes.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following report:

*Mr. President:* The Committee on the Judiciary to whom was referred a resolution instructing them to enquire into

the expediency of regulating and fixing the present value of notes, drafts, bills of exchange, accounts, or other evidences of debt, made or contracted during the late war, and report by bill or otherwise, ask leave to report that they have by way of a substitute to a bill referred, reported a bill embracing the subject matter contemplated by said resolution, and therefore beg leave to be discharged from the further consideration of the same.

B. B. MOORE, Chairman.

The Senate took up the special order of the day which was the report of the committee of the whole on the bill to repeal such parts of all laws as impose a personal liability on the stockholders of Banks in this State for the payment of the debts or the redemption of the bills of such banks.

The Judiciary Committee to whom this bill was referred reported the same back to the Senate with a recommendation of the majority of the Committee that it be passed.

Mr. Bower moved to lay the bill on the table for the balance of the session.

On motion the further consideration of the same was postponed until Monday next.

Leave of absence was granted to the Senator from the 21st District, on account of sickness.

On motion the Senate adjourned until Monday Morning, at 10 o'clock.

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#### MONDAY, FEBRUARY 19TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit:

An act to change, define and make permanent the County line between Irwin and Wilcox Counties.

An act to amend an act to incorporate the town of Smithville, in Lee County, and to confer other powers on the same.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c., to-wit:

An act to amend the 3984th and 3985th Sections of the Code of Georgia.

Also an act to fix the times of holding the Supreme Court of this State, and for other purposes.

Also an act to repeal an act assented to Dec. 10th, 1863;

incorporating the town of Elberton, and all acts amendatory thereof, and to incorporate said town, and to give the Town Council of said town certain powers hereinafter specified.

Mr. Fuller, from the Committee on New Counties and County Lines, to whom were referred the following bills, reported that the Committee had had the same under consideration, and recommend that the same do pass, to-wit:

A bill to add lots of land Nos. 33, 34, 35 and 40, in the 18th District and 3rd Section of Bartow County to the County of Paulding.

A bill to change the County line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy of the County of Crawford, in the County of Upson.

A bill to change the line of the County of Fayette so as to include lots of land Nos. 186, 187, 188 and 166, in the 13th District of Clayton County.

On motion of Mr. Moore, the Rules were suspended and the Senate took up the Message of the House in reference to the bill of the Senate to incorporate the North Georgia Mining and Manufacturing Co., which had passed the House of Representatives with the following amendments, to-wit:

*Be it further enacted*, That said Company shall not organize until the whole capital stock shall have been subscribed, nor commence business until ten per cent. of the capital stock shall have been paid in.

*Be it further enacted*, That the private property of the Stockholders shall be liable for the debts of said Company to the amount of stock they may have subscribed and not paid in at the time any suit may have commenced against them.

*Be it further enacted*, That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said Company as other property of this State.

Mr. Moore moved to amend the amendments of the House by inserting after the word enacted the following, which was agreed to, to-wit: "That the capital stock shall be fifty thousand dollars instead of two hundred and fifty," as prescribed in the second Section of the act.

On motion, the amendments of the House as amended were concurred in.

The Senate took up the Message of the House in reference to the bill of the Senate to incorporate the Georgia and Alabama Mining and Manufacturing Company, which the House of Representatives had passed with the following amendments, to-wit:

*Be it further enacted*, That said Company shall not organize until the whole amount of capital stock is subscribed,

and shall not commence business until ten per cent of the same is paid in.

*Be it further enacted*, That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as any other property of this State, which was agreed to.

Mr. C. H. Smith moved to amend the amendments of the House by inserting the following, which was agreed to, to-wit: "and that the capital stock of said Company shall be one hundred thousand dollars instead of two hundred and fifty thousand dollars."

On motion, the amendments as amended were concurred in.

The Senate took up the Message of the House in reference to the bill of the Senate to incorporate the Chattahoochee Mining Company, which the House of Representatives had passed with the following amendments, to-wit:

Sec. 6th. *Be it enacted*, That said Company shall not organize until the whole capital stock is subscribed, and shall not commence business until ten per cent of the subscribed stock is paid in.

Sec. 7th. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the State of Georgia from taxing the corporate property of said Company as other property of this State.

On motion, the amendments were concurred in.

The Senate took up the Message of the House in reference to the bill of the Senate to change the County line between the Counties of Lee and Terrell, to add a portion of the County of Lee to the County of Terrell, and for other purposes, which the House of Representatives had passed by the following substitute, to-wit:

A bill to be entitled an act to change the County line between the Counties of Lee and Terrell, to add a portion of Lee to the County of Terrell, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of Georgia*, That the County line between the Counties of Lee and Terrell be changed as follows: Commencing at the point where the line between said Counties leaves the Kinchafoonie Creek, and continuing down the principal channel of said stream until it reaches the point at which the said Creek crosses the southern line of lot of land No. 196, in the 13th District of originally Lee County, thence west along the southern line of Lots of Land Nos. 196, 195, 194 and 193 of said 13th District, and where the said line intersects the line between the 12th and 13th Districts of originally Lee County.

Sec. 11. *Be it further enacted*, That the inhabitants living in the territory embraced within the limits and boundaries

described in the foregoing Section be and they are hereby added to the County of Terrell.

**Sec. 3. Repeals conflicting laws.**

On motion, the amendment was concurred in.

On motion of Mr. Moore, the Rules were suspended, and the Secretary was instructed to communicate forthwith to the House of Representatives the action of the Senate in reference to the amendments of the House to the foregoing bills of the Senate.

Mr. Smith, Chairman of the Committee on Finance, submitted the following Report:

*Mr. President* :—The Committee on Finance have had under consideration the following bill, to-wit:

A bill to be entitled an act to fix the amount of compensation the Members and Officers of the General Assembly shall receive for their services, until otherwise altered by law," for which the Committee offer a substitute, with a request that it do pass in lieu of the original.

C. H. SMITH,

Chairman.

The Rules being suspended, the Senate took up the Resolution of the House requesting the Comptroller General to furnish certain information relative to the Banks of this State.

On motion of Mr. O. P. Beall, the Resolution was concurred in.

The Senate resumed the unfinished business of Saturday, which was the motion of Mr. Bower to lay on the table for the balance of the session the bill to repeal such parts of all laws as imposed a personal liability on the Stockholders of Banks in this State, for the payment of the debts or the redemption of the bills of such Banks.

On motion of Mr. O. P. Beall, the same was made the special order for Wednesday next.

On motion, the Rules were suspended, and Mr. J. A. W. Johnson introduced a bill to donate the Okefenokee Swamp lands as a permanent endowment to the Georgia State Orphan Home, which was read the first time.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bills:

A bill to incorporate the Southern Mining Co.

A bill to incorporate the New Era Mining and Manufacturing Co.

They have rejected the following bills of the Senate:

A bill to allow Clerks of the Superior and Clerks of the Inferior Court to practice law in any of the Courts of this State, except the Courts in which they are officers.

A bill to repeal so much of the act of the General Assembly of the State of Georgia as authorized the extension of the Charter of the Union Bank, approved on the 13th February, 1854.

The Senate took up the special order of the day, which was the consideration of the Report of the Committee of the Whole on the bill of the House to regulate the rates of transportation of freight and travel over the several Rail Roads of this State, and to punish for a violation thereof.

The Committee on Internal Improvements, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the Report of the Committee of the Whole on the bill to incorporate the Wahatchee Mining Company.

The Committee on the Judiciary, to whom this bill was referred propose to amend the 1st Section so as to commence "that Lemuel L. Thomasson, Wm. E. Brock, Robert M. Parris, E. T. Rogers and Matthew B. McMahan be and they are hereby created a body politic and corporate, to be known in law as Wahatchee Mining Company', &c., and also to begin the 3rd Section with the words "the said Corporators, or any three of them, or their successors or assigns, may act as Commissioners," &c., and with these amendments they recommend that it be passed.

The amendments were agreed to.

Mr. J. A. W. Johnson moved the following as an additional Section, which was agreed to, to-wit:

Sec. 8th. That said Company shall not be organized for business until their entire stock is taken, and ten per cent. of the same is paid in, and that nothing herein shall be so construed as to exempt the stock of said Company from taxation.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to repeal the 4413th Section of the Code of Georgia.

The Committee on the Judiciary, to whom this bill was referred, recommend that the same do pass.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to incorporate the Rome Gas Light Company.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the

Whole on the bill to add Lots of Land Nos. 33, 34 35 and 40, in the 18th District and 3rd Section of Bartow County to the County of Paulding,

The Committee on County Lines, to whom this bill was referred, reported favorably to its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to incorporate the North American Fire Insurance Co.

The Committee on the Judiciary, to whom this bill was referred, propose to amend by adding the words "and 20 per cent. paid thereon" to follow the words "shall have been subscribed" in the 18th line of the 2nd Section. Also to amend by adding the words "or may be" between the word "are" and "imposed" in the 8th line of the 9th Section, and with these amendments, they recommend that it do pass.

Mr. J. F. Johnson moved to amend the amendments of the Committee by striking out the words "twenty per cent" and insert the words "ten per cent.," which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the Report of the Committee of the Whole on the bill to provide for the taking of the Census of the State of Georgia, and for other purposes.

On motion, the bill was laid on the table for the present.

The Senate took up the Report of the Committee of the Whole on the bill to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts in this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

The Committee on the Judiciary, to whom this bill was referred, recommend the following substitute therefor, to-wit:

A bill to be entitled an act to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

Sec. 1. *The Geueal Assembly of the State of Georgia do enact*, That all private contracts made and entered into during the war with the United States of America, and not in violation of the Constitution and Laws of this State or of the United States, shall be as valid and binding as if made and executed before hostilities commenced.



Sec. 2. *And be it further enacted*, That all contracts made between the 1st day of June, 1861, and the 1st day of June, 1865, whether expressed in writing or implied, or existing in parole, and not yet executed, shall receive an equitable construction. And either party, in any suit for the enforcement of any such contract, may, upon a proper issue made, upon the trial thereof, give in evidence the consideration and the value thereof, at any time, and the understanding of the parties as to the currency in which payment was to be made, and the estimated value thereof, and its value as compared with specie in America and Europe, and with the staple productions of the State at the time the contract was made; and the verdict and judgment rendered shall be on principles of equity; *Provided*, that contracts executed within the time specified, and which were simply in renewal of original contracts made before the said 1st day of June, 1861, shall stand upon the footing of contracts made before the commencement of hostilities.

Sec. 3. *It is further enacted*, That Executors, Administrators, Guardians and Trustees shall have power to settle or compromise all claims or evidences of debt in their possession, created between the 1st of June, 1861, and the 1st of June, 1865, contracted with reference to payment in Confederate States of America Treasury notes, or other currency of a depreciated value, and accept in satisfaction of said indebtedness, the fair and reasonable value of such claims.

Sec. 4. *And it is further enacted*, That all laws and parts of laws militating against the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately after its passage.

On motion, the bill and substitute were laid on the table for the present, and 100 copies of the substitute reported by the Judiciary Committee were ordered to be printed for the use of the Senate.

The Senate took up the report of the Committee of the whole on the bill to regulate the sale of spirituous or malt liquors, and to provide against the keeping of disorderly houses.

The Committee on the Judiciary, to whom this bill was referred, recommend the passage of the following as a substitute therefor, to-wit:

A bill to be entitled an act to amend the laws of this State concerning the retail of spirituous and malt liquors.

Sec. 1. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the license fee to retail spirituous and malt liquors, except in towns and cities, which have been or may be hereafter incorporated, shall be one hundred dollars.

Sec. 2. That the oath to be taken by all persons obtaining such license, shall be as follows :

"I swear that I will not, during the next succeeding twelve months, sell, barter, give, or furnish to any minor, without the consent of his parents or guardian, any quantity of spirituous or intoxicating liquors, and that I will not allow any person to do so for me, with my knowledge or consent, and that I will, to the best of my ability, keep an orderly house, so help me God."

Sec. 3. *And it is further enacted*, That any one who shall sell such liquors in quantity less than one gallon, without a legal license to do so, or shall keep a disorderly house in which he sells the same, shall be held to be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not less than one hundred dollars nor more than five hundred dollars, or imprisonment in the common jail of the County not exceeding sixty days."

Sec. 4. *And it is further enacted*, That this act shall take effect on the first day of April next, and all laws and parts of laws militating against the same, be and the same are hereby repealed.

Mr. Owens moved to amend the substitute by adding the following words at the end of the 3rd section, which was agreed to, to-wit: "or by labor on the public works or roads, in the discretion of the Court, the term of labor not to exceed sixty days.

Mr. Bower moved to amend the first section by striking out the words "the passage of this act," and insert "the first day of April next," and further to amend by adding after the word "incorporated," the words "and which have power to grant such retail license," which motion was agreed to.

Mr. Carter moved to strike out the words "one hundred," and insert the words "twenty-five."

On motion of Mr. Redding, the question was divided and the Senate refused to strike out.

Mr. Strozier moved to lay the bill and substitute on the table for the balance of the session, whereupon the yeas and nays were required to be recorded, and are yeas 13 nays 17

Those who voted in the affirmative are Messrs :

Barwick, Carter, England, Ezzard, Freeman, Fuller, Johnson, J. F., Kenan, Quillian, Russell, Simmons, Strickland, Strozier.

Those who voted in the negative are Messrs :

Beall, O. P., Black, Bower, Dickey, Gholston, Johnson, J. A. W., Manson, McDaniel, Mims, Owens, Parris, Patterson, Redding, Smith, C. H., Smith, O. L., Turner, Wilcox.

Yeas 13, nays 17. So the motion did not prevail.

The report of the Committee as amended was agreed to, the bill was read the third time and passed under the following title, to-wit:

A bill entitled an act to amend the laws of this State concerning the retail of spirituous and malt liquors.

The Senate took up the report of the Committee of the whole on the bill to fix the amount of compensation the members and officers of the General Assembly shall receive for their services, until otherwise allowed by law.

The Finance Committee, to whom this bill was referred, reported the following as a substitute thereon, to-wit:

A bill to be entitled an act to fix the amount of compensation of the members and officers of the General Assembly shall receive for their services, until otherwise altered by law.

Sec. 1. *The General Assembly of the State of Georgia do enact*, That until otherwise altered by law, the members and officers of the General Assembly shall receive compensation for their services, as follows:

The President of the Senate and Speaker of the House of Representatives shall receive each the sum of *twelve dollars* per day, and the sum of *five dollars* for every twenty miles of travel, going to and returning from the seat of Government, the distance to be computed by the nearest route usually travelled, and that each member of the General Assembly shall receive the sum of *nine dollars* per day, and the sum of *five dollars* for every twenty miles of travel, going to and returning from the seat of Government, the distance to be computed by the nearest route usually travelled.

Sec. 2. *And be it further enacted*, That the Secretary of the Senate shall receive the sum of *twelve dollars* per day, and the Clerk of the House of Representatives shall receive the sum of *twelve dollars*.

Sec. 3. *And be it further enacted*, That the Journalizing Clerk of the Senate, and assistant Secretary shall receive each the sum of *ten dollars* per day, and the Journalizing Clerk of the House of Representatives and the assistant Clerk each the sum of *ten dollars*, and the Enrolling and Engrossing Clerks of the Senate and House of Representatives each the sum of *nine dollars* per day.

Sec. 4. *And be it further enacted*, That the Clerk of the joint Finance Committee, and the Clerks of the Judiciary Committee, each the sum of *nine dollars* per day.

Sec. 5. *And be it further enacted*, That the Doorkeeper and Messenger of the Senate, and the Messenger and Doorkeeper of the House of Representatives shall receive each the sum of *nine dollars* per day, and the same mileage allowed the members.

Sec. 6th. *And be it further enacted*, That the Chaplains of the Senate and House of Representatives shall receive each the sum of one hundred dollars, and the two pages each the sum of fifty dollars.

On motion of Mr. Moore, the same was laid on the table for the present.

On motion the rules were suspended and Mr. O. L. Smith introduced a bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the 'State's Reserve,' in the corporate authorities of the city of Macon, approved March 6th, 1856; which was read the first time.

The Senate took up the Report of the Committee of the whole on the bill of the House to change the line of the County of Fayette, so as to include lots of land numbers 186, 187, 188, and 166, in the 13th District of Clayton County.

The Committee on New Counties and County lines, to whom this bill was referred, reported in favor of its passage.

Mr. Carter moved to lay the bill on the table for the present, which motion was lost.

Mr. J. F. Johnson moved that the same be postponed indefinitely which motion was agreed to.

The Senate took up the report of the Committee of the whole on the bill of the House, to authorize the appointment of vendue masters in the several incorporated towns and cities of this State.

The Committee on the Judiciary; to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend section 3,320 of the Code of Georgia.

The Committee on the Judiciary to whom the bill was referred reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act entitled an act to increase the per diem pay of teachers entitled to the benefit of the poor school fund of this State, assented to March 3rd, 1865; and for other purposes.

The Committee on Education, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the

whole on the bill of the House to extend the time in relation to issuing grants on head rights so as to extend the time for granting the same until the 25th of December, 1868, and authorize the Secretary of State to issue grants to all surveys now in office.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House for the relief of Martha A. Lester, of the County of Fulton.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to change the line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy, of the County of Crawford, in the County of Upson.

The Committee on new Counties and County lines, to whom the bill was referred, recommend that the same be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to declare valid all official acts of civil officers, both principals and deputies, of this State, whether said officers have been pardoned by the President of the United States or not.

The Committee on the Judiciary, to whom this bill was referred, recommend that the same be passed.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act to amend the Charter and corporate laws of the city of Milledgeville, as to the mode of electing Aldermen, assented to March 7th, 1865.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the 3,794th section of the third article of the Code of Georgia.

The Committee on the Judiciary to whom this bill was referred, reported adversely to the passage of the bill.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the

whole on the bill of the House to amend the 6th, 8th, and 11th sections of an act incorporating the town of Georgetown, in Quitman County, and to add additional sections thereto.

The Committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to incorporate the town of Steadman, in the County of Newton, and to confer upon the citizens of said town the privilege of electing commissioners, with certain rights and powers therein enumerated.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Justices of the Inferior Court of Screven County to levy a tax for the support of widows and orphans of deceased or disabled soldiers of said County.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to compensate Ordinaries and Clerks of the Superior Courts for administering the amnesty oath, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, recommend that it do not pass.

Mr. McDaniel moved to amend the bill by inserting after the word "Counties" in the 3rd section, the words "upon the recommendation of the Grand Jurors thereof" which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and lost.

The following bill was read the second time and referred to the Judiciary Committee, to-wit:

A bill to add an additional clause to the 2,531st section of the Code.

The following bill was read the second time and referred to the Committee on new Counties and County lines, to-wit:

A bill to change the line between the Counties of Baker and Early.

The following bill of the House was read the second time and referred to the Finance Committee, to-wit:

A bill to appropriate money to repair and wind up the State House Clock for the year 1866.

The following rules of the House of Representatives were taken up and read the second time and severally referred to the Committee on the Judiciary, to-wit:

A bill to compel Rail Road, Steam Boat and Express Com-

panies, to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

A bill to amend an act entitled an act to incorporate the Mechanics' Savings Association of the city of Columbus, assented to April 13th, 1863.

A bill to amend the 4,391st section of the Code of Georgia.

A bill for the relief of Administrators, Executors, Guardians, and Trustees, in certain cases.

A bill relative to Bonds of Trustees.

A bill to amend sections 1,775 and 1,776, of the new Code of Georgia, relative to orphans.

A bill to authorize the Justices of the Inferior Court of Bartow County to settle or compromise the bonds of said County that are now due and unpaid, and to issue new bonds for the same.

A bill to exempt from Road and Jury duty Professors of Colleges, and Teachers of Public or County Schools in this State.

A bill to amend the 2nd section of an act entitled, an act to incorporate the Empire State Iron and Coal Mining Company, and to confer certain powers and privileges thereon; passed over the Governor's veto by Senate and House of Representatives, December 9th, 1862.

A bill to add an additional clause to the 1,540th section of the Code of Georgia.

A bill for the relief of certain physicians in this State.

A bill to amend the 4,613th section of the Code of this State.

A bill to amend the 349th section of the Code of Georgia.

Leave of absence was granted for a few days to the Senator from the 42nd District, after Saturday next, on important business.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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#### TUESDAY, FEBRUARY 20TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Ezzard moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to amend the laws of this State concerning the retail of spirituous or malt liquors,

Whereupon, the yeas and nays were required to be recorded, and are yeas 21, nays 17.

Those voting in the affirmative are Messrs :

Barwick, Bedford, Beall, O. P., Carter, Casey, Crawford, Daley, England, Ezzard, Freeman, Fuller, Johnson, J. F.

Kenan, Manson, Quillian, Russell, Simmons, Smith, C. H. Strickland, Strozier, Turner.

Those voting in the negative are Messrs :

Bell, W R., Black, Bower, Dickey. Gholston, Gresham, Johnson, J. A. W., McDaniel, Mims, Moore, Owens, Parris, Patterson, Redding, Smith, O. L., Thornton, Wilcox.

Yeas 21, nays 17.

So the motion to reconsider prevailed.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts to-wit :

An act to change the county line between the counties of Lee and Terrell, to add a portion of the county of Lee to the county of Terrell, and for other purposes.

An act incorporating the Chattahoochee Mining Company.

Mr. Owens, from the Committee on Internal Improvements, makes the following report :

*Mr. President:* The Committee on Internal Improvements have considered several bills referred to them, and direct me to report as follows :

A bill to be entitled an act to incorporate the Empire State Manufacturing Company in the county of Newton, which they propose to amend by striking out the words "five hundred thousand" in the 3rd line of the 3rd section, and inserting the words "one hundred thousand," and by striking out the words "such a sum as the interest and advantage of the said Company may demand, in the 8th, 9th, and 10th lines of the third section, and inserting "three millions of dollars," and with these amendments they recommend that it do pass.

Also, a bill to be entitled an act to incorporate the Gate City Gas Light Company, which they propose to amend by striking out the words "to have perpetual succession of members and officers, conformably to such by-laws and regulations" in the 14th and 15th lines of the first section, and by striking out the 6th section thereof, and with these amendments they recommend its passage.

Also, a bill to be entitled an act to compel the several Railroad Companies of this State to furnish separate cars for persons of color, which they recommend do not pass.

Also, a bill to be entitled an act to amend an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved December 7th, 1859, which they recommend do pass.

Also, a bill to be entitled an act to change the name of the Confederate Fire & Marine Insurance Company, and to



make more definite the liabilities of the stockholders, which they propose to amend by striking out the words "such time as the Directors may prescribe," in the 10th and 11th lines of the 2nd section, and inserting in lieu thereof the words "within thirty days after each call," and with this amendment they recommend its passage.

Also, a bill to be entitled an act to incorporate the town of Wrightsville, in the county of Johnson, to appoint Commissioners for the same, and for other purposes therein mentioned, which they recommend do pass.

Also, a bill to be entitled an act to incorporate the McClusky Gold Mining Company," which they propose to amend by striking out the words "and shall enjoy perpetual succession of officers and members," in the 24th and 25th lines of the 1st section. and by striking out the fourth section, and with these amendments they recommend its passage.

All of which is respectfully submitted.

GEO. S. OWENS,  
Chairman.

Mr. Moore, Chairman of the Committee on the Judiciary, submitted the following Report :

*Mr. President:* The Judiciary Committee to whom were referred certain bills have had the same under consideration, and direct me to report thereon as follows :

A bill to be entitled an act to incorporate the Oostanoola Steamboat Company. with powers of insurance, which they recommend do pass.

Also, a bill to be entitled an act to prevent the distillation of grain, and for other purposes, which they recommend do not pass.

Also, a bill to be entitled an act to authorize the introduction of oral evidence to establish a vancements of real estate in certain cases, and to define the mode of procedure whereby the title to real estate may be secured and quieted, which they propose to amend by inserting "three" instead of "five" (witnesses) in first section, and as thus amended they recommend its passage.

Also, a bill to be entitled an act for the relief of Administrators, Executors, Guardians and Trustees, in certain cases, the preamble of which they propose to amend by inserting "some" before "ceeditors," in 5th line, and the words "or in part" after "full" in 6th line, also by striking out the words "by the recent State Convention." They also propose to amend the first section by striking out all after the words "paid" in 4th line, and inserting in lieu thereof the following "some creditors in full or in part, when others are now excluded on account of the emancipation of slaves having rendered the said estate insolvent, but the

said Administrator, Executor, Guardian or Trustee shall be exonerated from liability to the extent of said negro property," and with these amendments they recommend the passage of the bill.

Also, a bill to be entitled an act to authorize the Inferior Courts of this State to make out Jury lists and draw Juries for the Superior Courts whenever the Jury boxes have been lost or destroyed, or wherever Juries have not been drawn by the Judge of the Superior Court of any county, and to provide for the summoning of persons drawn as Jurors, and to punish as for contempt those who do not attend after having been summoned, &c., which they recommend do not pass, as the provisions thereof are now in the Code of Georgia, and in a bill which this Committee have heretofore recommended to the Senate.

Also, a bill to be entitled an act to facilitate trials in actions against tenants holding over, and against intruders in this State, which they recommend do not pass.

Also, a bill to be entitled an act to add an additional clause to the 1540 section of the Code of Georgia, which they propose to amend by adding the following words to the 1st section, to-wit: "*Provided*, said award shall be made, and just compensation paid, before the drain or ditch is commenced." The Committee commend the object of the bill but seriously doubt its constitutionality, and therefore ask to be relieved from further consideration of it without a recommendation for or against it.

Also, a bill to be entitled an act to alter and amend the first number of section 1954, 2nd article, part 2nd, title 3rd chapter 2nd, of the Code of Georgia, from the first section of which they propose to strike out the word "himself" and with this amendment they recommend the passage of the bill.

The Committee have also considered the following bills from the House of Representatives, all of which they recommend do pass, viz:

A bill to be entitled an act to amend the 4391st section of the Code of Georgia.

A bill to be entitled an act to amend sections 1775 and 1776 of the new Code of Georgia.

A bill to be entitled an act relative to Bonds of Trustees.

A bill to be entitled an act to amend the 4613th section of the Code of this State.

A bill to be entitled an act to amend section 349 of the Code of Georgia.

A bill to be entitled an act to define certain acts of trespass, and make the same penal.

A bill to be entitled an act for the relief of R. L. Haynes, M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P.

Brown, R. A. Camp and L. P. Brown, of Milton county, in this State, securities of B. T. Handley, who was indicted under the name of Thomas Handley at the March term of the Superior Court, eighteen hundred and sixty-five, of said county of Milton, for the offense of robbery.

A bill to be entitled an act to compel Railroad, Steamboat and Express companies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

A bill to be entitled an act to alter the road laws of this State, and to amend the 585, 588, 594, 602 and 604th sections of the Code of Georgia.

A bill to be entitled an act to incorporate the Macon Canal and Water Works; to authorize the Mayor and Council of the city of Macon to subscribe to the stock of said Company, to issue the bonds of said city to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

A bill to be entitled an act to exempt from road and jury duty professors of Colleges, teachers of public or county schools, in this State.

A bill to be entitled an act to amend an act entitled an act to incorporate the Mechanics Saving Association, of the city of Columbus, assented to April 13th, 1863.

A bill to be entitled an act to amend the 2nd section of an act entitled an act to incorporate the Empire State Iron and Coal Mining Company, and to confer certain powers and privileges thereon, passed over Governor's veto by Senate and House of Representatives, December 9th, 1862

And a bill to be entitled an act to authorize the Justices of the Inferior Court of Bartow to settle or compromise the bonds of said county that are now due, and to issue new bonds for the same.

B. B. MOORE, Chairman.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c., to-wit:

An act to reduce the bond of the Sheriff of Forsyth county.

Also, an act for the relief of Isaac Hardeman, of the county of Jones.

Also, an act for the relief of Terry L. Cox, a convict in the Penitentiary of Georgia.

Also, an act to relieve certain persons herein named from Jury service in the several counties in this State.

Also, an act to perfect service against Express companies.

Also, resolution requesting a mail route to be established from Doctor Town to Ocmulgee ville.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill to extend the corporate limits of city of Rome one mile from the Court house, in every direction.

A bill to change the line between the counties of Murray and Gordon.

A bill to alter and amend an act entitled an act to incorporate the Coosa and Chattooga River Railroad Company, and for other purposes mentioned in the title of said act.

They have also passed the following bills of the Senate:

A bill to authorize the Inferior Court of Camden county to regulate and prescribe the rates of ferriage in said county, and for other purposes.

A bill to authorize the use of the water power on the Reserve, at Indian Springs, with the privilege of building saw and grist mills thereon.

A bill to change the time of holding the Superior Courts in the counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit.

A bill to alter and amend the fourth section of an act entitled an act to constitute the town of Cuthbert, Randolph county, a city, to provide for the election of officers, define the powers of the several officers of said city, as well as of said corporation, to extend the limits of Cuthbert, and for other purposes.

A bill to repeal the second section of an act entitled an act to provide for the payment of officers presiding at the polls on elections hereafter to be held in Talliaferro county, and for other purposes mentioned therein, approved December 20th., 1853.

They have also passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill for the relief of Arthur Hutchison, of the county of Campbell, Administrator on the estate of Benjamin G. Barker, deceased, against a tax *fi fa*, issued by the Tax Collector of the county of Clinch.

A bill to incorporate the Kenesaw Mining Company.

On a call of the roll the following bills were introduced, and read the first time, to-wit:

By Mr. Dickey—A bill supplementary to an act to incorporate the North Georgia Mining & Manufacturing Company.

By Mr. J. F. Johnson—A bill to incorporate the Georgia Life and Accident Insurance Company, of the city of Atlanta.

Mr. Redding reported the following resolution :

*Resolved, by the Senate and House of Representatives of the State of Georgia,* That his Excellency the Governor be and he is hereby authorized to draw his warrant upon the Treasurer in favor of the Principal Keeper, and pay out of any monies in the Treasury not otherwise appropriated, the amount due from the State to the Penitentiary, as exhibited by the report of the Principal Keeper thereof.

Mr. C. H. Smith reported the following Resolution :

*Be it Resolved by the Senate and House of Representatives in General Assembly met,* That His Excellency the Governor be authorized and requested, with the assistance of the Comptroller General, to investigate and audit the claim of Messrs. Seago, Palmer & Co., for six thousand and eighty-eight bushels of corn, said to have been furnished the State in the month of May, 1865, for distribution, and to make a report to the next session of this General Assembly with such recommendation as they think just and proper.

Also, the following resolution, to-wit :

*Resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met,* That the Comptroller General be and he is hereby authorized and required to audit all claims for printing and publishing, which were contracted by order of the Hon. James Johnson, late Provisional Governor of this State, when the same were ordered by him officially as such Governor.

On motion of Mr. Redding the rules were suspended, and the Senate took up the resolution relating to the Principal Keeper of the Penitentiary

On motion the same was agreed to.

The rules being suspended the Senate took up the resolution of the House appointing a committee to examine the State Library.

On motion the same was concurred in.

The Committee appointed under the above consists of Messrs. Carter and Simmons.

The rules being suspended the Senate took up the message of the House in reference to the bill of the Senate for the relief of Arthur Hutchison of the county of Campbell, Administrator on the estate of Benj. G. Barker, deceased, which the House of Representatives had passed with the following amendment to the first section, to-wit : Provided, he shall show that he has paid said taxes in some other county.

On motion the amendment was concurred in.

The Senate took up the message of the House in reference to the bill of the Senate to incorporate the Kenesaw

Mining Company, which the House of Representatives had passed with the following amendments, to-wit:

Strike out the words "five hundred thousand" in section 3rd, and insert "one hundred thousand."

Also the following as an additional section :

*Be it further enacted*, That said Company shall not organize until the whole capital stock shall have been subscribed nor commence business until ten per cent of the capital stock shall have been paid in.

Sec. —. *Be it further enacted*, That the private property of the stockholders shall be liable for the debts of said Company to the amount of stock that may be subscribed and not paid in at the time any suit may have commenced against them.

Sec. —. *Be it further enacted*, That nothing herein contained be so construed as to prevent the State of Georgia from taxing the corporate property of said company as other property of the State.

On motion the amendments of the House were concurred in.

Mr. Kenan, Chairman of the Joint Committee of both branches of the General Assembly, to which was referred so much of the Governor's message as relates to the Public buildings, grounds, &c., made the following report :

*Mr. President* : The Joint Committee of both branches of the General Assembly to which was referred so much of the Governor's message as relates to the public buildings, grounds, &c., have had the same under consideration, and direct me, after careful examination of the same to make the following report :

The condition of the Capitol, together with the dilapidated state of the present enclosure renders it absolutely necessary that speedy repairs be made. Your Committee does not consider it necessary to direct more particularly the attention of the General Assembly to the condition of the public property, which speaks for itself. They recommend therefore that ample appropriations be made for the purposes alluded to.

L. H. KENAN,  
Chairman Joint Committee.

The Senate took up the report of the committee of the whole on the bill to authorize the introduction of oral evidence to establish advancements of real estate in certain cases, and to define the mode of procedure whereby the title to real estate may be secured and quieted.

The Committee on the Judiciary to whom this bill was referred recommend that the same do pass, after inserting

the word "three" instead of "five" witnesses in the first section.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to incorporate the Oostanaula Steamboat Company, with powers of insurance.

The Committee on the Judiciary to whom this bill was referred reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The following bills were severally read the second time, and referred to the Judiciary Committee, to-wit :

A bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856.

A bill to donate the Okefenokee swamp lands as a permanent endowment to the Georgia State Orphan's Home.

The Senate took up the report of the committee of the whole on the bill of the House to incorporate the town of Wrightsville, in the county of Johnson, to appoint Commissioners for the same, and for other purposes therein mentioned.

The Committee on Internal Improvements to whom this bill was referred reported favorably to the passage of the same.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to incorporate the McClusky Gold Mining Company.

The committee on Internal Improvements to whom this bill was referred, propose to amend by striking out the words "and shall enjoy perpetual succession of officers and members" in the 24th and 25th lines of the first section, and also to strike out the 4th section, and with these amendments they recommend that it be passed.

The amendments were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to amend an act entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved December 7th, 1859.

The committee on Internal Improvements to whom the bill was referred reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to change the name of the Confederate Fire and Marine Insurance Company, and to make more definite the liabilities of the stockholders.

The committee on Internal Improvements to whom this bill was referred propose to amend by striking out the words "such time as the Directors may prescribe," in the 10th and 11th lines of the 2nd section, and insert in lieu thereof the words "within thirty days after such call," and with this amendment they recommend that it do pass.

The amendment was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to compel the several Railroad Companies of this State to furnish separate cars for persons of color.

The committee on Internal Improvements to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on the bill of the House to change the terms of the Superior Court of Muscogee county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to exempt from road and jury duty professors of Colleges, and teachers of public or county schools in this State.

The committee on the Judiciary to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to incorporate the Empire State Manufacturing Company, in the county of Newton.

The committee on Internal Improvements to whom this bill was referred propose to amend by striking out the words "five hundred thousand" in the 3rd line of the 3rd section, and inserting the words "one hundred thousand," and by striking out the words "such a sum as the interest and advantage of the said Company may demand," in the 8th, 9th and 10th lines of the 3rd section, and inserting "three millions of dollars," and with these amendments they recommend it be passed.

The amendments were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the



whole on the bill of the House to amend the 349th section of the Code of Georgia.

The committee on the Judiciary to whom the bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House relative to the bonds of Trustees.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit:

An act to repeal the 2nd section of an act entitled an act to provide for the payment of officers presiding at the polls on elections hereafter to be held in Talliaferro county, and for other purposes therein mentioned.

An act to authorize the Inferior Court of Camden county to regulate and prescribe the rates of ferriage in said county, and for other purposes.

An act to alter and amend an act to constitute the town of Cuthbert, Randolph county, a city; to provide for the election of officers, define the powers of the several officers of said city, as well as said corporation, to extend the limits of Cuthbert, and for other purposes, assented to December 19th, 1859.

An act to change the time of holding the Superior Courts in the counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit.

Mr. Strozier moved that the Senate adjourn until 10 o'clock to-morrow morning, which motion was lost.

The Senate took up the report of the committee of the whole on the bill of the House, to define certain acts of trespass, and make the same penal.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to alter the road laws of this State, and to amend the 585th, 588th, 594th, 602nd and 604th sections of the Code of Georgia.

The committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House for the relief of R. L. Haynes M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P. Brown, R. A. Camp and L. P. Brown, of Milton county, in this State, securities of B. T. Handley, at the March term of the Superior Court, 1865. of said county of Milton, for the offence of robbery.

The committee on the Judiciary to whom this bill was referred reported the same back to the Senate with the recommendation that it do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to compel Railroad, Steamboat and Express companies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

Mr. Owens moved to amend by striking out the words "the President, Directors and General Superintendent as well," in the 5th and 6th lines of the second section, and the words "as well as the President and Directors thereof," (should there be any,) in the 11th and 12th lines of the 2nd section, which was agreed to.

The report of the committee as amended was agreed to.

On motion the bill was re-referred to the committee on the Judiciary.

The Senate took up the report of the committee of the whole on the bill of the House to amend the 4613th section of the Code of this State.

The committee on the Judiciary to whom the bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House for the relief of Administrators, Executors, Guardians and Trustees, in certain cases.

On motion the same was re-referred to the committee on the Judiciary.

The Senate took up the report of the committee of the whole on the bill of the House to alter and amend the first number of section 1954, 2nd article, part 2nd, title 3rd, chapter 2nd, of the Code of Georgia.

The committee on the Judiciary to whom this bill was referred recommend the passage of the same after striking out the word "himself" in the first section.

The amendment was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to authorize the Inferior Courts of this State to make out Jury lists, and draw Juries for the Superior Courts whenever the Jury boxes have been lost or destroyed, or whenever Juries have not been drawn by the Judge of the Superior Court of any county, and to provide for the summoning of persons drawn as Jurors, and to punish as for contempt those who do not attend after having been summoned, &c.

The committee on the Judiciary to whom this bill was referred reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on the bill of the House to authorize the Justices of the Inferior Court of Bartow county to settle or compromise the bonds of said county that are now due and unpaid, and to issue new bonds for the same.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Moore moved that when the Senate do adjourn it will adjourn until to-morrow morning at 10 o'clock, which was agreed to.

Mr. Kenan moved that the Senate adjourn, which motion was lost.

The Senate took up the report of the committee of the whole on the bill of the House to amend an act entitled an act to incorporate the Mechanics Savings Association, of the city of Columbus, assented to April 13th, 1863.

The committee on the Judiciary to whom the bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to amend the second section of an act entitled an act to incorporate the Empire State Iron & Coal Mining Company, and to confer certain powers and privileges thereon, passed over the Governor's veto by the Senate and House of Representatives, Dec. 9th, 1862.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on the bill of the House to add an additional clause to the 1540th section of the Code of Georgia.

The committee on the Judiciary, to whom this bill was referred, proposed to amend by adding the following proviso to the 1st section, to-wit:

*Provided*, said awards shall be made, and just compensation paid before the drain or ditch is commenced.

The committee having doubts concerning its constitutionality reported neither for nor against its passage.

The amendment of the committee was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and lost.

The Senate took up the report of the committee of the whole on a bill of the House to amend the 4391st section of the Code of Georgia.

The committee on the Judiciary to whom this bill was referred reported the same back to the Senate with the recommendation that the bill do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House to amend sections 1775 and 1776, of the new Code of Georgia, relative to Orphans.

The committee on the Judiciary to whom this bill was referred reported the same back to the Senate with the recommendation that the bill do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the Senate adjourned.

WEDNESDAY, FEBRUARY 21ST, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. J. A. W. Johnson moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to add an additional clause to the 1540th section of the Code of Georgia, which was agreed to.

On motion the bill was re-referred to the committee on the Judiciary.

Mr. Moore, Chairman of the joint committee on the Judiciary, made the following report:

*Mr. President*:—The standing committees on the Judi-

ciary of the Senate and House of Representatives, to whom was referred the system of laws prepared by Ebn'r Starnes, L. E. Bleckley, Wm. Hope Hull, and Samuel Barnett, Esqrs., Commissioners appointed by the late Convention of this State, have, in joint session maturely considered the same, and direct me to report as substitutes for said Code, and for the bills heretofore reported by the committee, the following bills, to-wit :

A bill to be entitled an act to organize a County Court, define its jurisdiction, and for other purposes.

Also, a bill to be entitled an act to define and regulate Court contracts, and prescribe the manner of enforcing the same in the County Courts.

Also, a bill to be entitled an act to fix the relations of husband and wife, between persons of color.

Also, a bill to be entitled an act to define the term, Persons of color, and declare the rights and liabilities of such persons.

Also, a bill to be entitled an act to authorize the transfer of all civil cases now on the docket of the Inferior Courts to the County Courts.

And a bill to be entitled an act to repeal section two hundred and eighty-three, excepting the fifth clause thereof; and also, to repeal the first, second and third clauses, of section two hundred and eighty-seven, of the first article, fifth title, fourth chapter, of the Code of Georgia.

The joint committee having discharged the duty required of them, ask to be discharged from further consideration of the subject.

And a bill to be entitled an act to alter and amend the Penal Code of Georgia.

B. B. MOORE, Chm'n.

Mr. O. L. Smith from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to incorporate the Kenesaw Mining Company of Georgia.

An act for the relief of Arthur Hutchinson of the county of Campbell, Administrator on the estate of Benjamin G. Barker, deceased, against a tax fi fa, issued by the Tax-Collector of the county of Clinch.

An act to authorize the use of the water power on the reserve at Indian Spring with the privilege of building saw and grist mills thereon.

Mr. Moore, from the joint committee on the Judiciary, reported the following bills, which were severally read the first time, to-wit :

A bill to authorize the transfer of all civil cases now on the dockets of the Inferior Courts, to the County Courts.

A bill to define and regulate Court contracts and to prescribe the manner of enforcing the same in the County Courts.

A bill to define the term, persons of color, and declare the rights and liabilities of such persons.

A bill to repeal section 285, of the Code, excepting the 5th clause thereof; and also, to repeal, the first, second and third clauses of section 287, of the first article, 5th title, 4th chapter of the Code of Georgia.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the report of the committee of the whole, on the bill to prescribe and regulate the relation of husband and wife, among persons of color in this State, and for other purposes.

Mr. Moore, from the joint standing committee on the Judiciary, submitted the following, as a substitute, to-wit:

A bill to be entitled an act to fix the relations of husband and wife, between persons of color—

Section 1st, *The General Assembly of this State do enact*, That persons of color now living together as husband and wife, are hereby declared to sustain that legal relation to each other, unless a man shall have two or more reputed wives, or a woman two or more reputed husbands. In such event, the man, immediately after the passage of this act by the General Assembly, shall select one of his reputed wives with her consent, or the woman one of her reputed husbands with his consent, and the ceremony of marriage between these two shall be performed. If such man, thus living with more than one woman, or such woman living with more than one man, shall fail or refuse to comply with the provisions of this section, he or she shall be prosecuted for the offence of fornication, and punished accordingly.

On motion the same was laid on the table for the present.

The rules being suspended, the Senate took up the report of committee of the whole, on the bill to organize a County Court for the several counties in this State, and to define its powers and jurisdiction.

Mr. Moore, from the joint committee on the Judiciary, reported the following as a substitute, to-wit:

A bill to be entitled an act to organize a County Court, define its jurisdiction, and for other purposes.

*The General Assembly of the State of Georgia do enact:*

SECTION 1 A Court shall be organized in each county in

this State, to be called the County Court, the Judge of which shall be entitled the county Judge.

Sec. 2. The county Judge shall be elected on the—— day of——1866, on the first Wednesday in January 1870, and every fourth year thereafter, and shall in all cases hold his office until his successor is elected and qualified. Any vacancy in the office shall be filled as in the case of the Clerk of the Superior Court (as provided in the sections 251, 252 of the Code,) upon fifteen days notice. This officer shall be commissioned by the Governor and take the oath of office prescribed for Judges of the Superior Court.

Sec. 3. The Judge shall receive no salary from the State, but shall receive compensation for his services in the way of fees hereinafter named, which shall be taxed in his bill of costs.

Sec. 4. No disqualification for holding the office of county Judge shall arise from being Clerk of the Superior or Inferior Court, or Ordinary, or from holding any other office, not involving duties incompatible with the duties of the County Judge. He may, if an attorney at law, practice in cases never connected with his own Court, but cannot have a partner who practices in the county. These qualifications shall apply to such counties, as are not specially excepted in this act, and in the counties so excepted, the Judge shall have the qualifications hereinafter set forth in section 37

Sec. 5. The County Judge may issue bail process in civil cases, admit to bail in criminal cases, issue attachments, foreclose mortgages on personal property, issue warrants of distress for rent, possessory warrants, writs of *habeas corpus*, and other writs or warrants not within the exclusive jurisdiction of some other court or officer. He may attest contracts, or deeds for registry, administer oaths, and exercise all the powers of a Justice of the Peace in matters civil and criminal, issue warrants requiring offenders to be brought before him, or some other Judge, or some Justice, and sit singly or in conjunction with others, as by law, required on a Court of inquiry. The foregoing enumeration is not exhaustive, but the county Judge may in general exercise all such powers as are granted to him by law, or essential to the functions granted.

Sec. 6. The County Judge shall by himself or Clerk keep a strict account of all fines and forfeitures and other moneys which come to his hands, as County Judge, or to his Clerk, in his official character, and shall pay over the same to the county Treasurer, and report such receipts and payments to the Grand Jury of the county, at each session of the Superior Court. He shall keep an index of all Court contracts filed in his office, and a list of all certificates and discharges granted by him according to law, which index

and list shall be open for public inspection. It shall be his duty to provide a seal for the county Court, to be used when necessary, by himself or the clerk ; and until such seal is provided, the private seal of either may be used.

#### CLERK.

Sec. 7. The Clerk of the County Court may be either the County Judge himself, or any officer appointed by the Judge, removable at his pleasure, to be paid by him, and for whose good conduct he is responsible. It shall be the duty of the Judge to have a clerk in office in case of his own sickness or absence. The appointment and removal of the Clerk, shall be entered on the minutes ; he shall be sworn to the faithful and impartial discharge of his duties, and shall be competent to discharge all of the duties of the Judge not judicial in their character.

Sec. 8. The Clerk, or the Judge acting as such, shall keep the minutes of the Court, record its proceedings, issue its orders and processes, and keep proper dockets, viz : one subpoena and one execution docket, for all the sessions of said Court. For the monthly and special sessions, one docket of civil cases generally, and also, one for criminal cases. For the semi-annual sessions, one common law docket, one docket for claims, motions, illegality, and other like proceedings, and any other docket for either session, which the Judge may direct.

#### JURISDICTION.

SECTION 1. The County Court shall have concurrent jurisdiction in all civil cases, and criminal cases, in which exclusive jurisdiction is not by law vested in some other Court, and such jurisdiction shall be exercised as hereinafter provided for.

Sec. 2. The County Court shall hold semi-annual sessions in the several counties of this State, on the same days as the Inferior Courts are now held ; also, monthly sessions on the second Monday in every month, and special terms, in the discretion of the Judge.

Sec. 3. The County Court at its monthly and special sessions shall have jurisdiction, without limit as to amount, in all cases arising out of the relation of master and servant, whether suits for wages, applications to enforce performance, or for other purposes ; also, applications for the conviction of trespassers, intruders, and tenants, holding over ; for the partition of personal property ; for the trial of possessory warrants, or proceedings under distress warrants, *habeas corpus* cases, and all other civil cases in which not more than one hundred dollars is claimed as damages or principal sum due.

Sec. 4. The County Court at its semi-annual sessions



shall have concurrent jurisdiction with other Courts of law, in all civil cases of which exclusive jurisdiction is not vested in some other Court, including jurisdiction in legitimatising persons, and changing names. The Court shall exercise its jurisdiction under the rules of the Superior Court unless specially excepted. Appeals as now taken from the Inferior Court. may be taken to the Superior Court.

Sec. 5. The County Court shall be held at the Court House of the county, and the Judge shall have his office at the same place, and the rules of practice of the Superior Court shall apply unless specially excepted.

Sec. 6. In case of a vacancy, or that the Judge cannot preside from sickness, absence, disability, or from any other cause, either of the Justices of the Inferior Court may preside, until such vacancy is filled, or such disability is removed.

Sec. 7 The Sheriff and his deputies when required by the County Judge or Clerk, shall execute any writ, process, or order of the County Court or Judge, as if from the Superior Court, and shall attend the sessions of said Court. For cases in the County Court, within the jurisdiction of a Justices Court, the Sheriff's fee shall be the same as a Constable's. In other cases they shall be the same as in the Superior Court. For summoning juries for the semi-annual session, five dollars; for the monthly or special sessions three dollars.

Sec. 8. Bailiffs may be appointed by the County Judge, not to exceed four in number, of whom one shall be called special Bailiff. They shall each give bond, in a sum to be fixed by the County Judge; be sworn to the faithful and impartial discharge of their duties; and their appointment and removal be entered on the minutes,

It shall be the duty of the special Bailiff, unless the Judge shall assign the duty to the Sheriff or his deputy, to collect all executions for costs, and in all cases where costs are not paid instanter, executions therefor shall be issued, and ten per cent additional collected as commissions of the collecting officer.

One or more temporary Bailiffs for particular occasions may also be appointed, who need not give bond, but must be sworn, and their appointment entered on the minutes. A Bailiff's fee shall be the same as a Sheriff's in like cases.

Sec. 9. Immediately after his election and qualification, the Judge, with the Clerk and Sheriff, shall proceed to make out a list of persons, from the Receiver's digest, who are liable to Jury duty, which shall be deposited in a Jury box. He shall draw therefrom not more than eighteen nor less than thirteen Grand Jurors, in the manner pointed out by law, for the drawing of Grand Jurors in the Superior Court. They shall be summoned to attend at the first Court, wheth-

er it be a monthly or semi-annual session, and shall be organized and sworn, in the same manner as Grand Jurors of the Superior Court. The proceedings in all respects so far as applicable to said Court, shall conform to the usages and laws which govern the Superior Court.

Sec. 10. The first Grand Jury which may be drawn, shall serve at the monthly session, and until the adjournment of the semi-annual session of the Court; the Judge shall then in the manner heretofore prescribed, and at each semi-annual session thereafter, draw a new Jury which shall serve for the next six months, and during the next semi-annual session.

Sec. 11. From the same Jury box, and at the same time, and in the same manner, the Judge shall draw a Jury of twelve, who shall serve at the first Court thereafter; and at each succeeding monthly Court, he shall draw a new Jury of twelve, and they shall be so drawn that the same Jury shall not sit at two succeeding sessions; and if from any cause, there should be a deficiency of the original panel, at the session of said Court, the Judge shall summon a sufficient number of *tales* Jurors to make up the original panel, for the trial of civil cases, and shall also summon twelve *tales* Jurors, so as to make up a panel of twenty-four Jurors for the trial of criminal cases, from which, by strikes as in the Superior Court, a Jury may be selected.

Sec. 12. All civil cases shall be tried by the Judge without the intervention of a Jury, unless a Jury is demanded by one of the parties to the record, and at special Courts, where a Jury is demanded, the Judge shall cause to be summoned from the by-standers, a Jury of five men.

Sec. 13. The Jurors serving in the County Court shall take the same oath as is provided for like Jurors in the Superior Court, and they shall be paid in the same manner.

Sec. 14. All the officers of the County Court shall be responsible for their good conduct as such, under the same rules as officers of the Superior Court. It is a Court of record, and the proceedings shall be recorded as in the Superior Court. Its powers to punish for contempts shall be the same as those of the Superior Court, and the general provisions of the Code from § 197 to § 203 inclusive, concerning the powers of a Court, apply to it.

Sec. 15. The provisions of the Code concerning amendments, from § 3410 to § 3436 inclusive, and, concerning defences, from § 3381 to § 3388 inclusive, apply to the County Court at either session.

Sec. 16. In the semi-annual session, the mode of commencing suit, service and proceedings in general, shall be the same as in the Superior Court.

In all civil cases, not hereinafter excepted, brought to the monthly sessions, the plaintiff shall procure from the Court

a summons, in which shall be set forth the ground or grounds of complaint, and the time of trial, which summons shall be served by the Bailiff or other officer, at least five days before the time of trial.

Sec. 17. Attachments, claims, garnishments and other like proceedings, returnable to the monthly sessions, shall be served not less than ten days before the first day of the session, to which the same are returnable. The same class of cases returnable to the semi-annual sessions shall be served, at least twenty days before the first day of the session to which the same are returnable.

Sec. 18. Continuances may be allowed under the same rules as in the Superior Court.

Sec. 19. Trials shall be had at the first session after service of process at the term to which such process is returnable, unless on cause shown for continuance.

Sec. 20. The testimony of either party shall be competent in cases which would be within the jurisdiction of a Justice of the Peace, and the Judge shall have the power to compel the attendance of witnesses by *subpœna* or otherwise.

Sec. 21. Verdicts or judgments may be so moulded as to subserve the ends of justice, and may be either for a sum certain, for the delivery of specific property, for the eviction of an intruder, or the performance of a Court contract, or in such other form as may seem just and proper, and may be in the alternative.

Sec. 22. The regulation for sale under execution, or order, for sums exceeding fifty dollars, shall be as in the Superior Courts, and for fifty dollars or less, as in Justices Courts; and in case of perishable property, the Judge may so order the time of sale as to subserve the ends of justice.

Sec. 23. A *certiorari* may be had upon the application of the party complaining of error to the County Judge, within two days of the trial, with notice to the opposite party, or his attorney, stating the grounds of complaint, and giving a brief of the material evidence, upon which it shall be the duty of the Judge to proceed, as under a writ of *certiorari*, to certify the proceedings of the County Court, to the Judge of the Superior Court, within ten days after such application, and the Judge of the Superior Court shall hear, and finally determine the same at chambers, or the session of the Superior Court as may seem proper.

Sec. 24. Claims to personal property in the monthly sessions, where the execution or order issues from said Court, shall be tried in the same manner as in Justices Courts, and in the semi-annual sessions, in the same manner as in the Superior Court.

Sec. 25. In cases of Attachments, returnable to the monthly sessions, the trial and proceedings shall be the

same as in the Justices' Courts; and when returnable to the semi-annual sessions, shall be the same as in the Superior Courts.

#### CRIMINAL JURISDICTION.

Sec. 26. The criminal jurisdiction of the County Court, at its monthly and semi-annual sessions, extends to all offences of which exclusive jurisdiction is not vested in some other Court.

Sec. 27. If any offence is charged which is within the jurisdiction of the County Court, and upon the trial thereof, it shall appear that the crime committed is of a grade beyond its jurisdiction, the trial thus begun shall be regarded as if before a Court of Inquiry, and the Court shall dispose of the case accordingly.

Sec. 28. All of the proceedings in preferring bills of indictment or presentment, and submitting the same for trial, shall conform to the laws and rules governing in the Superior Court in similar proceedings.

Sec. 29. Every indictment in the County Court, either at its monthly or semi-monthly sessions, shall be in order for trial at the term at which it is found, but it shall be the duty of the Judge to allow reasonable time to both parties to summon witnesses, and to the defendant to procure counsel.

Sec. 30. If the accused has no counsel, and is unable to employ counsel, it shall be the duty of the Judge to assign counsel to the accused, and to issue *s. pœnas* for such witnesses as he may represent to be material for his defence, and if necessary, to compel their attendance. *Provided*, the Judge may exercise his discretion in compelling the attendance of witnesses whose testimony in the opinion of the Judge would be immaterial to the case.

Sec. 31. The County Judge shall have power to use the County Jail for the detention of accused parties, and for the punishment of those convicted of offences, or guilty of contempt. Commitments by the County Judge shall be lawful warrants to the jailor and shall be obeyed by him.

Sec. 32. A *certiorari*, at the instance of the defendant, may be had as provided in § 23rd, and upon notice to the Judge of the application, the sentence shall be suspended until the *certiorari* is decided. On hearing such writ of *certiorari*, the Judge of the Superior Court may either grant a new trial, or pass such judgment or sentence as, in view of the whole case, is consistent with justice. And when any such case is carried up as herein provided, the Solicitor or Attorney General of the circuit shall take charge of and prosecute the same.

Sec. 33. There shall also be a Prosecuting Attorney, who shall be called County Solicitor. He shall be elected at the same time, and commissioned in the same manner, as the Judge of said Court. He shall have been a practicing attorney at least three years preceding his election, and after his election shall reside in the County. He shall be qualified and sworn as Solicitors and Attorney General are qualified and sworn, and shall be removable from office in the same manner as Solicitors General are removable; and in case of vacancy, absence, sickness or other disability, the Judge may appoint any practicing attorney to perform his duties during such absence, sickness, or other disability, or until such vacancy can be filled by a new election.

#### COSTS.

Sec. 34. In cases not specially excepted, the Judge's costs in the semi-annual Courts shall be the same as those of the Clerk of the Superior and Inferior Courts for like services. In cases in the monthly and special Courts, if the sum in damages claimed exceed fifty dollars, then two-thirds of such costs, and if not over fifty dollars, then one-third of such costs shall be taxed as Judge's costs; and in all other cases, in which he is authorized to act, he shall have such fees as are now allowed by law to the other officers for similar services.

: The Judge's costs in criminal cases shall be two dollars for every case begun, and two dollars additional for every case tried or transmitted to the Superior Court. The Judge's costs for a case in which discharge or specific performance is prayed, or other like case not claiming money, shall be two dollars. For the foreclosure of mortgages, the partition of personalty, the removal of intruders, trespassers, or tenants holding over, the trial of claims for the *certiorari* of any case, forcible entry or delivery, abatement of a nuisance; also, for proceedings usually tried at Chambers, such as possessory warrants, *Habeas Corpus* cases, and the like, three dollars. In cases in which no fees are prescribed by law, the Ordinary, or any three Justices of the Inferior Court may determine what shall be the Judge's costs.

Sec. 35. The County Solicitor shall receive the same fees as are now allowed to the Solicitor General of the Circuit in the Superior Court, for such cases as come within the jurisdiction of the County Court.

Sec. 36. In cases between master and servant, which shall go against the servant, the judgment for costs, upon notice to the master, shall operate as a garnishment against him, and he shall retain a sufficient amount for the payment thereof out of any wages due to said servant, or to become due during the period of service, and may be cited at any time by the collecting officer, to make answer thereto.

Sec. 37. In the following counties, viz : the qualifications for County Judge shall be, 1st, That he shall be a resident of the county from the time of his election, and 2d, That he shall have been a practicing attorney of this State for at least five years. If the fees prescribed by this act shall not be sufficient to compensate the Judge for the service he has to perform in said counties, the Justices of the Inferior Court may, in their discretion, pay such additional sum from the county funds as will ensure him a competent salary.

Mr. Strozier moved to refer the bill and substitute to the committee on the Judiciary, which motion was lost.

On motion the same was laid on the table for the present, and 250 copies of the substitute was ordered to be printed for the use of the Senate and House of Representatives.

The Senate took up the special order of the day, which was the report of the committee of the whole, on the bill to organize and establish an Orphans Home in this State.

Mr. Bedford moved to amend the 2nd section by striking out the words "or near the city of Atlanta or other," and insert the word "some," which was agreed to.

Mr. Thornton moved to strike out the words "and scaled," in the 2nd section. Also, to strike out the words "or a majority of them," which were agreed to.

Mr. Thornton moved further to amend by adding to the 8th section the words "and approved by a majority of the Board of Trustees," after the word "Counties," which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 39, nays 0.

Those voting in the affirmative are Messrs :

Barwick, Bedford, Beall, O. P., Bell, W. R., Black, Bower, Butler, Carter, Casey, Crawford, Daley, Dickey, England, Ezzard, Freeman, Fuller, Gholston, Gresham, Johnson, J. A. W., Johnson, J. F., Kenan, Manson, McDaniel, Mims, Moore, Owens, Parris, Patterson, Quillian, Redding, Russell, Simmons, Smith, C. H., Smith, O. L., Strickland, Strozier, Thornton, Turner, Wilcox.

Those voting in the negative were 0.

So the bill was passed.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills:

A bill to make valid certain acts of the Justices of the Inferior Court of Polk County.

A bill to authorize the Inferior Court of Richmond County to levy an extra tax for County purposes.

A bill to exempt from street duty all persons who are, or hereafter may become, active members of the Hook and Ladder or Fire Companies of the city of Atlanta.

A bill to authorize the Inferior Court of the County of Glynn, to compel the hands subject to road duty in any one district in said County, to perform road duty in any other district in said County.

A bill to change the time of holding the Inferior Courts of the County of Lincoln.

A bill to repeal an act entitled "an act to legalize the proceedings of the Southern Stockholders of the Brunswick and Florida Rail Road Company, to change the name of said Company, and to amend the act of incorporation, to extend the charter thereof, and to facilitate the building of said Road," approved the 16th of December, 1861; to change the name of the Brunswick and Florida Rail Road Company, to revive the Charter of said Company, and extend the same, and to confer upon the Brunswick and Albany Rail Road Company the rights, powers, privileges and immunities which have been granted to the Macon and Brunswick Rail Road Company.

A bill to amend an act to incorporate the Brunswick Improvement Company, passed on the 9th February, 1854, and to extend the privileges of the same.

A bill to amend an act entitled an act to incorporate the town of Brunswick, in the County of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council, and such other officers as may be required, and confer upon them specific powers, and for other purposes therein mentioned.

They have also passed the following bills of the Senate:

A bill to incorporate the Atlanta Street Rail Road Company, and for other purposes.

A bill to amend the Charter of the Dalton and Jacksonville Rail Road Company, and acts passed in relation to the same.

They refuse to concur in the Senate's amendment to the amendments of the House of Representatives to the following bills of the Senate:

A bill to incorporate North Georgia Mining and Manufacturing Company.

A bill to incorporate the Georgia and Alabama Mining and Manufacturing Company.

On motion the rules were suspended and the Senate took up the message of the House in reference to the bill of the Senate to incorporate the Georgia and Alabama Mining and Manufacturing Company.

On motion of Mr. Moore the Senate receded from their amendment to the amendment of the House of Representatives.

The Senate took up the message of the House in reference to the bill of the Senate to incorporate the Georgia Mining and Manufacturing Company.

On motion of Mr. Moore the Senate receded from their amendment to the amendment of the House of Representatives.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following report :

*Mr. President* :—The Committee on the Judiciary, to whom was referred a bill to be entitled an act to repeal an act entitled an act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to December 9th, 1862, have had the same under consideration, and propose to amend by adding the following as an additional section, to-wit :

*Be it further enacted*, That all penalties and forfeitures heretofore incurred, under the said Act, be and the same are hereby remitted and released.

And being so amended, the Committee recommend the passage of it.

And a bill, also, to be entitled an act to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes, and recommend it do pass.

B. B. MOORE,  
Chairman.

Mr. Smith, Chairman of the Committee on Finance, submitted the following report :

*Mr. President* :—The Committee on Finance have had under consideration the following bill of the House, to-wit :

A bill to be entitled an act to appropriate money to repair and wind up the State House Clock, for the year 1866.

Which the Committee recommend do pass, with the following amendment, to-wit :

After the last word in the first section, add the words "and keep it in running order during the year 1866."

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c :



An act to amend section 3320 of the Code of Georgia.

Also, an act to change the County line between the Counties of Upson and Crawford, so as to include the residence and farm of Leonard Worthy, of the County of Crawford, in the County of Upson.

Also, an act to repeal an act to amend the charter and corporate laws of the city of Milledgeville, as to the mode of electing Aldermen, assented to March 7th, 1865.

Also, an act to authorize the Justices of the Inferior Court of Screven County to levy a tax for the support of the widows and orphans of deceased or disabled soldiers of said County.

Also, an act to declare valid all official acts of the civil officers, both principals and deputies, of this State, whether said officers have been pardoned by the President of the United States or not.

Also, an act to authorize the appointment of vendue masters in the several incorporated towns and cities of this State.

Also, an act to repeal an act to increase the per diem pay of teachers entitled to the benefit of the poor school fund of this State, assented to March 3rd, 1865, and for other purposes.

Also, an act to amend the 6th, 8th, and 11th sections of an act incorporating the town of Georgetown, in Quitman County, and to add additional sections thereto.

Also, an act for the relief of Martha A. Lester, of the County of Fulton.

Also, an act to extend the time in relation to issuing grants on head rights so as to extend the time for granting the same until the 25th day of December, 1868, and to authorize the Secretary of State to issue grants to all surveys now in office.

Also, an act to incorporate the town of Steadman, in the County of Newton, and to confer upon the citizens of said town the privilege of electing Commissioners, with certain rights and powers therein enumerated.

Also, a Resolution requesting the Comptroller General to furnish certain information in regard to the Banks of this State.

The rules being suspended, the Senate took up the Resolution in reference to the selection of a site for the location of the Georgia Penitentiary.

Mr. Owens moved to strike out in the preamble the words "and whereas, there is no place considered so eligible as the Stone Mountain property, in the County of DeKalb," also to amend the Resolution by striking out the word "this," and insert after the word "site" the words "in this State," which motion was agreed to.

The Resolution as amended was agreed to.

On motion of Mr. Redding, the rules were further suspended and the Senate took up the report of the Committee of the whole on the bill to repeal an act entitled an act to require the incorporated Cotton and Wool factories in this State to publish lists of their stockholders, assented to December 9th, 1862.

The Committee on the Judiciary to whom this bill was referred, proposed to amend the caption by adding the words "and to remit the penalties incurred," also to add an additional section, to-wit:

*Sec. 2. Be it further enacted, That all penalties and forfeitures heretofore incurred under the said act be and the same are hereby remitted and released.*

The amendments were agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed under the amended title thereof.

The Senate took up the special order of the day, which was the consideration of the bill to repeal such parts of all laws as impose a personal liability on the Stockholders of Banks in this State, for the payment of the debts or the redemption of the bills of such Banks.

On motion of Mr. Moore, the bill was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to give certain powers to the Judge of City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to revive, alter, and amend an act entitled an act to incorporate an Insurance Company in the city of Columbus, to be called the Merchants Insurance Company of Columbus, Georgia, assented to November 14th, 1864, and to change the name of the Merchants and Planters' Insurance Company, of Columbus, Georgia.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to allow the Ordinary of Polk County to keep the records and papers of his office at his residence until the building of a Court House for said County.

Mr. Daley moved to amend by adding the following as an additional section, to-wit:

*Sec. 2. And be it further enacted, That the Clerk of the*

Superior and Inferior Courts of McIntosh County be and they are hereby authorized to hold the said offices at their residence in said County until another Court House shall be provided for in said County, any law or custom to the contrary notwithstanding.

The amendment was agreed to.

The Report of the Committee as amended was agreed to the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to appropriate money to repair and wind up the State House Clock for the year 1866.

The Finance Committee to whom this bill was referred, reported in favor of its passage with the following amendment, to-wit :

To add after the last word in the first section the words "and keep it in running order during the year 1866."

The amendment was agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Inferior Court of the County of Twiggs to borrow money to pay the indebtedness, and for other purposes, of said County.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to authorize the Justices of the Inferior Court of the County of Early, in this State, to levy and collect an extra tax, to pay for provisions heretofore purchased by them for the poor of said County, and for the use of disabled soldiers and their families.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to consolidate the offices of Receiver of Tax Returns and Tax Collector, for the Counties of Effingham and Gilmer.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to fix jail fees for dieting prisoners.

Mr. Strozier moved to lay the same on the table for the balance of the session, which motion was lost.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to incorporate the Gate City Gas Light Company.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend by striking out the words in the 1st section "to have perpetual succession of members and officers conformably to such by-laws and regulations," also, to strike out the 6th Section; and with these amendments they recommend it do pass.

The amendments were agreed to.

Mr. J. F. Johnson submitted a memorial from citizens of Atlanta on the subject matter contained in the bill, which was read.

On motion the bill, with the memorial, was recommitted to the Committee on Internal Improvements.

The Senate took up the Report of the Committee of the whole on the bill of the House to repeal an act to authorize the Trustees of the Glynn County Academy to lease or sell the same.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to change the name of the Milledgeville Rail Road Company, and for other purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend the act incorporating the town of Blackshear, in Pierce County, approved December 16th, 1859.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to amend an act incorporating an Insurance Company, to be called the Great Southern Insurance Company, assented to December 17th, 1861.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to add an additional section to an act incorporating the town of Fayetteville, assented to December 20th, 1823, and to amend section 3rd, of said act.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal all but the fifth and 9th sections of an act entitled an act additional to an act to incorporate the town of Brunswick, and to define its jurisdictional limits, &c.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the

whole on the bill of the House to amend an act to incorporate Skidaway Shell Road Company, and for other purposes, assented to December 22nd, 1857.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to repeal an act entitled an act to regulate the liquor traffic in the Counties of Taliaferro, Greene, Washington, and Henry, assented to December 12th, 1860, so far as relates to the County of Taliaferro.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House to change the times of holding the Superior Courts of Clay County, in the Pataula Circuit, and of Worth, in the South-Western Circuit.

On motion, the same was laid on the table for the present.

The following bill was read the second time, to-wit:

A bill supplementary to an act to incorporate the North Georgia Mining and Manufacturing Company.

The following bill was read the second time and referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Georgia Life and Accident Insurance Company, of the City of Atlanta.

The following bills of the House were severally read the second time, to-wit:

A bill to authorize the Justices of the Inferior Court of the County of Bulloch to levy and collect an extra tax for the building of a Court House and bridges in said County, and for other purposes.

A bill to alter and amend an act entitled an act to extend and define the corporate limits of the town of Newnan, in the County of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers, and for other purposes therein named.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on the Judiciary, to-wit:

A bill supplemental to, and explanatory of, the 2,462nd section of the Code of Georgia, relating to the administration of unrepresented estates.

A bill to ratify certain acts of Executors, Administrators, Trustees, and Guardians, and of Judicial, ministerial officers, and for other purposes therein mentioned.

A bill to alter and amend the several acts incorporating the city of Atlanta, in Fulton County.

A bill to incorporate the Atlanta Canal and Water Works Company.

The following bills of the House of Representatives were taken up and read the second time, and severally referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Dawson Manufacturing Company.

A bill to incorporate the Georgia and Alabama Petroleum Mining Company.

A bill to incorporate the Okefenokee Land and Canal Company.

A bill to incorporate the Lookout Valley Mining Company.

A bill to incorporate the Dalton Petroleum and Mining Company.

A bill to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

A bill to alter and amend the Charter of the city of Columbus.

A bill to incorporate the North Georgia Petroleum and Mining Company, and for other purposes.

A bill to incorporate the North Western Mining Company.

A bill to incorporate a town to be called Vernonburg.

A bill to incorporate the Georgia Manufacturing and Paper Mill Company.

The following bill of the House was read the second time and referred to the Committee on New Counties, to-wit:

A bill to repeal so much of an act entitled an act to add a part of the County of Paulding to the County of Carroll, and a part to the County of Floyd, assented to on the 22nd day of December, 1847, as relates to lots Nos. 520, 591, and 601, in the 1st District, 3rd section, of originally Paulding County, and to add lots Nos. 413, and 414, first district and third section of Paulding County, to the County of Carroll.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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THURSDAY, FEBRUARY 22ND, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Strozier moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the

bill of the House to fix Jail fees for dieting prisoners, which motion was agreed to.

Mr. Strozier reported the following Resolution :

*The Senate of the State of Georgia do resolve*, That in honor to the Anniversary of the birth-day of Washington, and in honor to his comprehensive patriotism, which embraced his whole country, and produced counsels of wisdom, moderation, justice and universal fraternity, in the stormiest periods of her history, the Senate do now adjourn until 10 o'clock to-morrow morning.

On motion of Mr. Strozier, the Rules were suspended and the Resolution was taken up.

Mr. McDaniel moved to amend the Resolution so that the Senate would adjourn at 11½ o'clock this day, which motion was lost.

Mr. Gresham moved to amend so that the Senate would adjourn at 11 o'clock this day, which motion was lost.

The Resolution was agreed to, and the Senate adjourned.

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FRIDAY, FEBRUARY 23RD, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

On motion of Mr. Moore, leave of absence was granted to the Secretary for a few days, on account of sickness.

On motion, the Rules were suspended, and Mr. Moore reported the following Resolution :

*Resolved*, That in consequence of the absence of John B. Weems, Secretary of the Senate, on account of indisposition, Fletcher T. Snead be elected Secretary pro tem.

On motion of Mr. Moore, the Rules were suspended, and the Resolution was taken up, read and agreed to.

On motion, the Secretary pro tempore was instructed to inform the House of Representatives of his election.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives and attested by the Clerk thereof, the following acts, &c.:

An act to amend an act entitled an act to incorporate the Mechanic's Saving Association, of the City of Columbus, assented to April 13th, 1863.

Also an act to amend the 2nd Section of an act entitled an act to incorporate the Empire State Iron and Coal Mining Company, and to confer certain powers and privileges thereon, passed over Governor's veto by Senate and House of Representatives, Dec. 9th, 1862,

Also an act to amend an act entitled an act to incorporate the Etowah and Auraria Hydraulic Hose Mining Company, approved Dec. 7th, 1859.

Also an act to exempt from Road and Jury duty Professors of Colleges and Teachers of Public and County Schools in this State.

Also an act to amend Sections seventeen hundred and seventy-five and seventeen hundred and seventy-six of the new Code of Georgia, relative to orphans.

Also an act to amend the 4613th Section of the Code of Georgia.

Also an act to amend 349th Section of the Code of Georgia.

Also an act to amend the 4391st Section of the Code of Georgia.

Also an act to alter the Roads Laws of this State, and to amend the 585th, 588th, 594th, 602nd and 604th Sections of the Code of Georgia.

Also an act to change the time of holding the Terms of the Superior Court of Muscogee County.

Also an act to authorize the Justices of the Inferior Court of Bartow County to settle or compromise the Bonds of said County, that are now due and unpaid, and to issue new Bonds for the same.

Also an act to define certain acts of trespass, and make the same penal.

Also an act to incorporate the town of Wrightsville in the County of Johnson, to appoint Commissioners for the same, and for other purposes therein mentioned.

Also an act relative to Bonds of Trustees.

Also an act for the relief of R. L. Haynes, M. J. Seals, A. H. Teasley, Isham Teasley, Hampton Smith, J. M. Childress, A. P. McPherson, S. F. Kincannon, W. P. Brown, R. A. Camp and L. P. Brown, of Milton County, in this State, securities of B. T. Handley, who was indicted under the name of Thomas Handley, at the March Term of the Superior Court, eighteen hundred and sixty-five, of said County of Milton, for the offence of robbery.

Also a Resolution appointing a Committee to examine State Library.

The Judiciary Committee, through their Chairman, Mr. Moore, submitted the following Report :

*Mr. President* :—The Judiciary Committee, to whom were referred certain bills, have had them under consideration, and I am directed to report them as follows :

“A bill to be entitled an act to divide the State into twenty Judicial Circuits, and to require the Superior Courts to be held four times a year,” which they recommend do not pass.



Also a bill to be entitled an act to establish Rules of Evidence and of Equity, for carrying into effect, as to unexecuted contracts, the provisions of an Ordinance passed by the late Convention of the people of Georgia, entitled an Ordinance to make valid private contracts entered into and executed during the war against the United States; and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed; and to authorize settlements of such contracts by persons acting in a fiduciary character," which bill they report back to the Senate without recommendation, and ask to be relieved from the further consideration thereof.

Also "a bill to be entitled an act to define and fix the legal rights and liabilities of the people of African descent in this State," which they recommend do not pass, as the passage of other bills recommended by this Committee will, in their opinion, render this unnecessary.

Also "a bill to be entitled an act to allow the redemption of real estate sold under execution within a specified time," which the Committee offer to amend in the 2nd Section by inserting the words "*per annum*" between "interest" and "thereon," so as to make it read "ten per cent. interest per annum thereon." They also propose two additional Sections, to be numbered 4 and 5, which are herewith presented, and with the adoption of these amendments, they recommend the passage of the bill.

Also "a bill to be entitled an act to regulate proceedings in winding up the insolvent Banks of this State, to provide for the distribution of their assets, and the mode of proceeding against the Stockholders thereof for their ultimate personal liability for the redemption of their bills, and other obligations under their charters respectively, and to relieve the officers from certain pains and penalties," which they beg leave to report back to the Senate without recommendation as to its passage.

Also "a bill to be entitled an act to define capital and minor offences by free persons of color, and to prescribe for the prosecution and conviction for capital offences." This Committee have heretofore recommended to the Senate a policy of legislation which is inconsistent with the provisions of this bill. They therefore recommend that the bill do not pass.

Also "a bill to be entitled an act to add an additional clause to the 2531st Section of the Code," which they recommend do pass.

Also "a bill to be entitled an act to amend the 4220th Section of the Code of Georgia," which they recommend do pass.

Also "a bill to be entitled an act to ratify certain acts of Executors, Administrators, Trustees and Guardians, and of

Judicial and Ministerial officers, and for other purposes therein mentioned," which they recommend do pass.

Also "a bill to be entitled an act to establish a Court for the trial and punishment of minor offences." They recommend that this bill do not pass, because another bill, recommended by them, is now in process of enactment, which, if passed, will, in their opinion, better secure the objects sought to be attained by this bill.

Also "a bill to be entitled an act to repeal so much of the 276 Section, Part 1st, Title 5th, Chapter 4th of the Code of Georgia as authorizes the Inferior Courts of the different Counties in this State to consist of five Justices, to substitute one Justice in lieu thereof, to extend the jurisdiction in certain criminal cases, and to change and alter certain proceedings in said Court," which, for similar reasons, they recommend do not pass.

Mr. Carter, Chairman of the Joint Special Committee, appointed to examine the State Library, and report relative to surplus books therein, submitted the following Report, to-wit:

The Special Committee, composed of two members of the Senate and three from the House of Representatives, appointed for the purpose of examining the State Library, and reporting by Resolution or otherwise upon the propriety of distributing the surplus and useless books in the same, respectfully report, that they have, in accordance with said Resolution, discharged said duty, and report the following as the result of their investigation:

The Committee, upon investigation, find surplus books in said Library to the number of twelve or fifteen hundred volumes, composed principally of Hines' Forms, Schley's Digest, Cobb's Statutes and Forms, Ross' Manuel, Dawson's Compilation, White's Historical Collection, and the Acts and Journals of the General Assembly from the year 1850 to the present time.

These books are greatly in excess of any possible demand, and are of no practicable utility whatever, but, on the contrary, an incumbrance to the Library.

Mr. Fuller, from the Committee on New Counties and County Lines, made the following Report:

*Mr. President:*—The Committee on New Counties and County Lines, to whom was referred "a bill to change the line between the Counties of Baker and Early," have had the same under consideration, and recommend that it do not pass.

Also "a bill to repeal so much of an act entitled an act to add a part of the County of Paulding to the County of Carroll, and a part to the County of Floyd, assented to on the 22nd day of December, 1847, as relates to Lots No. 520]

591 and 601, in the 1st District, 3rd Section of original Paulding County, and to add Lots 413, 414, 1st District and 3rd Section of Paulding County to the County of Carroll," and recommend that it do pass.

Mr. Owens, from the Committee on Internal Improvements, makes the following Report :

The Committee have considered several bills referred to them, and direct me to make the following Report :

"A bill to be entitled an act to incorporate the Dawson Manufacturing Company," which they propose to amend by striking out the words "and shall enjoy perpetual succession of officers and members" in the 17th and 18th lines of the 1st Section, and by adding another Section thereto, and with these amendments they recommend its passage.

Also "a bill to be entitled an act to incorporate the Dalton Petroleum and Mining Company," which they propose to amend by adding another Section thereto, and with these amendments they recommend its passage.

Also "a bill to be entitled an act to incorporate the Look-out Valley Mining Company," which they propose to amend by striking out the words "and elsewhere" in the 14th line of the 1st Section, and by adding another Section thereto, and with these amendments they recommend its passage.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof :

*Mr. President* :—The House of Representatives have passed the following bills :

A bill to levy and collect a tax for the support of the Government for the year 1866, and for other purposes.

A bill to incorporate the City of Madison, to provide for its government, define its powers, and for other purposes therein mentioned.

A bill to repeal Section thirty-four hundred and seventy-eight of the Code of Georgia.

A bill to amend the 4467th Section of the Code of Georgia.

A bill to authorize any Sheriff, Constable or other arresting officer of any County of this State, to arrest in any County wherever found any person charged with crime, under a warrant issued by any Judicial officer of the State, and to carry the accused to the County in which the crime is alleged to have been committed, for examination.

A bill to regulate Court cost in certain cases.

A bill to authorize the Justices of the Inferior Court of Terrell County to levy and collect a tax to compensate citizens for attention in cases of small pox in said County.

A bill to incorporate the Central Georgia Manufacturing Company.

A bill to legalize certain contracts made by Executors, Administrators, Guardians and Trustees with persons of color and white persons, and authorize the making of such contracts in the future, and prescribe the effect of the same.

A bill to incorporate the Gate City Foundry Car, and Machine Works in the city of Atlanta, county of Fulton, and State of Georgia.

A bill to enable persons whose fences have been destroyed by the Federal forces in the county of Effingham to build stock enclosures, and to make the intrusion upon said enclosures a misdemeanor, and for other purposes.

A bill to suspend the enforcement of judgments in cases of Forcible Entry and Detainer, for five days, to give parties dissatisfied with the same time to make out their writs of *certiorari*.

A bill to appropriate money to pay D. B. Sanford to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

A bill to authorize the Inferior Court of Greene county to levy an extra tax for the purpose of building a bridge across the Oconee river, to repair the bridges in said county, and for other purposes.

A bill to provide for the payment of Teachers of Poor Schools, for the year eighteen hundred and sixty-five.

A bill to regulate the distribution of the Common School Fund of the county of Echols, and for other purposes.

A bill to amend Part 2nd, Title 3rd, Chapter 2nd, Article 4th, Section 3rd of the Code of Georgia.

A bill to provide for the election of a Superintendent of public roads and bridges in the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this act.

A bill to incorporate the Chestatee River and Long Branch Hydraulic Hose Mining Co.

They have also passed the following bill of the Senate:

A bill to change and define the times of holding the Superior Courts of the several counties of the Western Judicial Circuit.

They have also passed the following bill of the Senate with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to incorporate Cherokee Mining and Manufacturing Company.

They have also concurred in the amendments of the Senate to the following bills of the House of Representatives:

A bill allowing the redemption of lands forfeited or sold for taxes due the State or any county or city thereof, by paying the taxes of each, and the legal rate of interest per annum, thereon, together with costs which may have accrued.

A bill to incorporate the Empire State Manufacturing Co., in the county of Newton.

A bill to incorporate the McClusky Gold Mining Company.

A bill to alter and amend the 1st No. of Section 1954, Part 2nd, Title 3rd, Chapter 2nd of the Code of Georgia.

A bill to change the name of the Confederate Fire and Marine Insurance Co., and to make more definite the liabilities of the stockholders.

They refuse to concur in the Senate's amendments to the following bill of the House:

The bill to legalize marriages between first cousins which have been contracted since 11th December, 1863.

They have rejected the following bill of the Senate:

A bill to alter Paragraphs 4598 and 4607 of the Code of Georgia.

Mr. Owens, from the Committee on Internal Improvements, made the following Report:

*Mr. President:*—The Committee, on Internal Improvements, to whom was referred several bills, have instructed me to report as follows:

"A bill to be entitled an act to incorporate a town to be called Vernonburg," which they recommend do pass.

Also "a bill to be entitled an act to incorporate the North Western Mining Company," which they propose to amend by striking out the words "and elsewhere" in the 15th line of the 1st Section, and by adding to the 5th Section the words "such increase not to exceed four hundred thousand dollars," and with these amendments, they recommend its passage.

Also "a bill to be entitled an act to incorporate the Georgia Life and Accident Insurance Company of the city of Atlanta," which they recommend do pass.

Also "a bill to be entitled an act to incorporate the Columbus R. Road Co.," which they propose to amend by adding to the 3rd Section the words "not to exceed two hundred thousand dollars," and by adding to the 7th Section the words "subject to the approval of the Mayor and Aldermen of said city," and with these amendments they recommend its passage.

Also "a bill to be entitled an act to incorporate the Georgia Manufacturing and Paper Mill Company," which they propose to amend by striking out the words "and shall enjoy perpetual succession of officers and members" in the 16th and 17th lines of the 1st Section, and with this amendment they recommend its passage.

Also "a bill to be entitled an act to incorporate the North Georgia Petroleum and Mining Company, and for other purposes," which they propose to amend by inserting after the

words "desire" in the 14th line of the 2nd Section the following words: "not to exceed five hundred thousand dollars," and with this amendment they recommend its passage.

On motion of Mr. Daley, the rules were suspended, and the Senate took up the Resolution with reference to the establishment of certain mail routes.

On motion, the resolution was agreed to, and the Secretary instructed to transmit the same forthwith to the House of Representatives.

Mr. Butler reported the following resolution:

*Resolved by the General Assembly of the State of Georgia,* That it is the unalterable purpose of this State to pay all its indebtedness not repudiated by the late Convention of the people, foreign and domestic, principal and interest.

*Resolved,* That the bonds and coupons now over-due, or to become due before a sufficiency of funds may be realized from the sale of bonds, or the collection of taxes, may be presented at the Treasury and there preserved, and for which the Treasurer shall give a certificate bearing interest at the same rate per annum with the bond or bonds to which they belonged.

*Resolved,* That all coupons over-due or to become due the present year, 1866, upon bonds issued for the Western and Atlantic Rail Road shall be received in payment of freight and passage on said Road, and when so received shall be paid into the Treasury, and there preserved to be laid before the Finance Committee.

On motion of Mr. Butler, the rules were suspended and the resolution was taken up.

On motion of Mr. Moore, the same was referred to the Finance Committee.

On a call of the roll, the following bills were introduced and read the first time, to-wit:

By Mr. O. P. Beall, a bill in relation to judgment against trust estates.

By Mr. Mims, a bill to change the place of holding the Justices Court in and for the 200th District of Screven county.

By Mr. Thornton, a bill to incorporate the Metcalf Manufacturing Company.

On motion of Mr. Moore, the rules were suspended, and the Senate took up the Message of the House in reference to the amendment of the Senate to the bill of the House to legalize marriages between first cousins, which have been contracted since the 11th of December, 1863.

On motion of Mr. Moore, the Senate receded from its amendments.

The Senate took up the Message of the House in refer-

ence to the bill of the Senate to incorporate the Cherokee Mining and Manufacturing Company, which the House of Representatives had passed with the following amendments, to-wit:

By adding the following as additional Sections:

Sec. — *Be it enacted*, That the individual property of each stockholder shall be liable for the debts of said Company to the amount subscribed by them, and not paid in at the time any suit shall have been commenced against said Company.

Sec. — *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as other property of this State.

Sec. — *Be it further enacted*, That said Company shall not commence business until ten per cent of the capital stock subscribed shall have been paid in, either in money or property.

On motion of Mr. Moore, the amendments were concurred in.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary:

*Mr. President*: The Governor has approved, and signed the following acts, to-wit:

An act to repeal an act entitled an act to amend the charter of the Macon and Western Rail Road, assented to Dec. 14th, 1863.

Also, an act to amend an act to amend the charter of the Macon and Western Rail Road Company, assented to December 14th, 1863—assented to March 19th, 1864.

An act to amend an act to incorporate the town of Smithville, in Lee county, and to confer other powers on the same.

An act to change, define, and make permanent, the county line between Irwin and Wilcox counties.

An act to alter and amend an act to constitute the town of Cuthbert, Randolph county, a city, to provide for the election of officers, define the powers of the several officers of said city, as well as said corporation, to extend the limits of Cuthbert, and for other purposes, assented to December 19th, 1859.

An act to change the time of holding the Superior Courts in the counties of Floyd, Polk, Paulding and Campbell, of the Tallapoosa Circuit.

An act to authorize the Inferior Court of Camden county to regulate and prescribe the rates of ferriage in said county, and for other purposes.

An act to repeal the 2nd section of an act entitled an act.

to provide for the payment of officers presiding at the polls on elections hereafter to be held in Taliaferro county, and for other purposes therein mentioned.

An act for the relief of Arthur Hutchison of the county of Campbell, Administrator on the estate of Benjamin G. Barker, deceased, against a tax *fi fa*, issued by the Tax-Collector of the county of Clinch.

An act to incorporate the Chattahooche Mining Company.

An act to change the county line between the counties of Lee and Terrell to add a portion of the county of Lee to the county of Terrell, and for other purposes.

An act to authorize the use of the water power on the shoal and falls on the reserve at Indian Spring, with the privilege of building saw and grist mills thereon.

On motion the rules were suspended, and the Senate took up the report of the committee of the whole, on the bill of the House, to change the times of holding the Superior Courts of Clay county, in the Pataula circuit, and of Worth county, in the South-Western circuit.

Mr. O. P. Beall moved to amend by striking out all that portion of the bill and caption which relates to Worth county, which was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the amended title thereof.

The Senate took up the report of the committee of the whole, on the bill to define capital and minor offences by free persons of color, &c.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole, on the bill to establish a Court for the trial and punishment of minor offences.

On motion the same was laid on the table for the present.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled, signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit:

An act to change the name of the Milledgeville Rail Road Company, and for other purposes.

Also, an act to authorize the Inferior Court of the county of Twiggs, to borrow money to pay the indebtedness, and for other purposes of said county.

Also, an act to amend an act to incorporate the Skida-



way Shell Road Company, and for other purposes therein named, assented so Dec. 22d, 1857.

Also, an act to repeal an act, entitled an act, the better to regulate the liquor traffic in the counties of Taliaferro, Greene, Washington and Henry, and for other purposes, assented to Dec. 12th, 1860, so far as the said act relates to the county of Taliaferro.

Also, an act to repeal an act to authorize the Trustees of the Glynn county Academy, to lease or sell the Academy.

Also, an act to amend the act incorporating the town of Blackshear, in Pierce county, approved December 16th, 1859.

Also, an act to consolidate the offices of Receiver of tax-returns and tax Collector, for the counties of Effingham and Gilmer.

Also, an act to authorize the Justices of the Inferior Court of the county of Early, in this State, to levy and collect an extra tax to pay for provisions heretofore purchased by them for the poor of said county, and for the use of disabled soldiers and their families.

Also, an act to repeal all but the fifth and ninth sections of an act entitled an act additional to an act to incorporate the town of Brunswick in the county of Glynn, to define its jurisdictional limits, &c, &c.

Also, an act to add an additional section to an act incorporating the town of Fayetteville, assented to Dec. 20, 1823, and to amend Section 3rd of said act.

Also, an act allowing the redemption of lands forfeited, or sold for taxes due the State, or any County, or City thereof, by paying the taxes of each, and the legal rate of interest per annum thereon, together with costs, which may have accrued.

Also, an act to amend an act to incorporate in the State of Georgia, an Insurance Company, to be called the Great Southern Insurance Company, assented to December 17th, 1861.

Also, an act to revive, alter and amend an act entitled an act to incorporate an Insurance Company in the City of Columbus, to be called the Merchants Insurance Company of Columbus, Georgia, assented to November 14, 1864—change the name to the Merchants and Planters Insurance company, of Columbus, Georgia.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have adopted a resolution authorizing the distribution of surplus books in the State Library, by the State Librarian, under direction of the Governor, which I am directed to transmit forthwith to this branch of the General Assembly.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and the Speaker of the House of Representatives, the following acts, to-wit :

An act to amend the charter of the Dalton and Jacksonville Rail Road Company ; and acts passed in relation to the same.

An act to incorporate the Atlanta Street Rail Road Company, and for other purposes.

An act to incorporate the North-Georgia Mining and Manufacturing Company.

An act to incorporate the Georgia and Alabama Mining and Manufacturing Company.

The Senate took up the report of the committee of the whole, on the bill to divide the State into twenty Judicial Circuits, and require the Superior Courts to be held four times a year.

The committee on the Judiciary to whom this bill was referred, reported adversely to its passage.

Mr. Simmons moved to lay the bill on the table for the present, which motion was lost.

Mr. Carter moved to postpone the same indefinitely, which was lost.

Upon agreeing to the report of the committee, the yeas and nays were required to be recorded, and are yeas 23, nays 9.

Those voting in the affirmative are Messrs.

Beall, O. P., Bell, W. R., Black, Butler, Carter, Ezzard, Freeman, Gholston, Griffin, Johnson, J. A. W., Manson, Mims, Moore, Owens, Parris, Patterson, Quillian, Redding, Russell, Smith, C. H., Strickland, Thornton, Wilcox.

Those voting in the negative are Messrs.

Daley, Dickey, England, Johnson, J. F., Kenan, McDaniel, Simmons, Strozier, Turner.

Yeas 23, Nays 9 ; So the report was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole, on the bill to allow the redemption of real estate, sold under execution, within a specified time.

The committee on the Judiciary, to whom this bill was referred, reported in favor of its passage, after inserting in the second section of the bill. the words " per annum " between " interest " and " thereon ", so as to make it read " 10 per cent interest per annum thereon ".

Also, by adding the following additional sections, to-wit :

Section 4th. That the creditor of the defendant whose property has been sold, may, within sixty days after the date of such public sale, raise the bid on the property, and take only the purchaser's interest therein, by paying the purchaser or the officer for his use, the same amount which the debtor would at that time be required to pay for the right of redemption, together with such further sum as such creditor is willing to give for the property. But in all cases where any such creditor desires to raise the bid on such property, he shall give the purchaser, at such sale, ten days notice of such intention, and the amount of the bid which he intends to offer for the property, and the purchaser at such sale shall always have the right to take the property in preference to other creditors, by paying the amount, to which the bid has been raised. Any creditor shall have the right to raise the bid on such property as often as he may desire to do so, within the time hereinafter specified.

Section 5th. That when there has been no waiver of the right of redemption according to the provisions of this act, the defendant whose property is sold shall be allowed to retain possession of the property until the time allowed for the redemption shall have expired.

The amendments of the Committee were agreed to.

The report of the committee as amended, was agreed to. The bill was read the third time and passed.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary, to-wit :

*Mr. President* :—I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying documents.

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, 23RD FEB'Y, 1866. }

*To the Senate* :—In conformity to a resolution of the General Assembly, which originated in your Body, I issued a call upon the Banks of this State, for reports, in compliance with the law. I have received reports from the Bank of Augusta, the Bank of Savannah, the Planters Bank, the Union Bank, the Merchants and Planters Bank, the Mechanics Savings and Loan Association, the Manufacturers Bank, the City Bank, the Farmers and Mechanics Bank, the Augusta Insurance and Banking Company, the Bank of Columbus, the Central Rail Road Bank, the North-Western Bank, the Bank of Athens, and the Marine Bank, which are herewith transmitted for the information of the General Assembly. Others will be sent in as received.

CHARLES J JENKINS, Governor.

**BANK REPORTS.**

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**BANK OF STATE OF GEORGIA.**

SAVANNAH, 13th February, 1866.

*To His Excellency*

GOVERNOR JENKINS,

*Milledgeville, Georgia:*

Your printed Circular letter of the 6th inst., addressed to several of the Banks here, I was not apprised of until yesterday, when it was shown to me by the Cashier of the Marine Bank, and up to this hour I have not received one from the Post office.

I am sorry I am not able to furnish you with the condition of the Bank of the State of Georgia and branches, up to any late period. The Federal Army, under General Sherman, reached here on the 21st of December, 1864, and shortly after an order was issued requiring me to give up the keys and possession of the Bank, and ever since then some General Officer has his Headquarters there. General Brannon, now in Augusta, and at present Col. Kimball, in his absence, occupies it, and although I have repeatedly and asked possession of the building, so as to bring together together all of our means to redeem our circulation, still it has been declined. In consequence of this state of things, I am unable to furnish your Excellency with the present condition of the Bank. We hold \$420,000 of the State of Georgia 7 per cent bonds, issued to relieve the people of the State from taxation during the first year of the war. These bonds would have enabled the Bank to pay at least 40 cents in the dollar of its circulation, but from their repudiation by the State Convention. Besides this, all the Confederate 7 and 8 per cent bonds, and 7 3-10 interest bearing notes, and the notes of individuals, and Confederate money on hand, if taken at par, would have enabled the Bank to pay all its circulation, all its stockholders, and would have had at least \$400,000 to divide among its Stockholders. Now, the Bank is broke or insolvent.

With much respect, I am, dear sir,

Your ob't. serv't.,

A. PORTER,

President.

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**BANK OF AUGUSTA.**

AUGUSTA, 16th February, 1866.

His Excellency CHARLES J. JENKINS,

Governor of Georgia,

*Milledgeville, Ga.:*

Sir: The Stockholders of the Bank of Augusta, at their

meeting on the 14th December last, authorized and directed the then President and Cashier to make an assignment of the assets of the Bank to Geo. M. Thew, Esq., of Augusta, for the benefit of their creditors, and which assignment was duly made. Since that meeting there has been no Board of Directors, as it was considered that there could be no longer any need of Directors, or other officers. I have, however, as the nearest compliance I can make with the requisition of your Excellency, in your Circular of the 6th inst., made out, and hand you enclosed, the statement of the condition of the Bank of Augusta, on Tuesday, the 5th December, 1865, which is the last made out and submitted to the Board of Directors.

Respectfully,

Your ob't. serv't.,

JAMES W. DAVIES,

late Cashier Bank of Augusta.

*Statement of the condition of the Bank of Augusta, on Tuesday, 5th December, 1865.*

Capital stock	\$ 600000 00
Notes in circulation.	661666 05
Balances due to other Banks..	3268 88
Deposits..	11364 89
Dividends unpaid.	50236 00
	<hr/>
	\$ 1326535 82

Bills and Notes discounted, Augusta.	\$ 4850 00
Bills and Notes discounted, lying over .	11231 42
Real estate and Banking House. ....	31600 00
Bonds of States, not including Georgia bonds repudiated...	36500 00
Bonds of City Corporations...	54500 00
Bonds of Railroads. ....	187500 00
Stocks in other institutions. ....	349500 00
Merchandise taken in payment, valued at.	5000 00
Loss account.	435123 71
Balances due by other Banks and agents..	82558 24
Specie.. ..	\$ 18801 76
Notes of other Banks..	800 00
Treasury Notes of Confederate States, and of other States, not including State of Georgia, repudiated.....	109070 69
	<hr/>
	\$ 1326535 82

The above is a true copy of the statement of the condition of the Bank of Augusta, on the 5th day of December, 1865,

and which is the last statement made out and submitted to the Board of Directors of said Bank, prior to the meeting of the Stockholders, when an assignment was authorized and directed, and the charter surrendered, since which time there has been no Board, and no officers of the Bank.

JAMES W DAVIES,  
late Cashier of the Bank of Augusta.  
Augusta, February 16th., 1866.

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## MARINE BANK, SAVANNAH.

THE MARINE BANK OF GEORGIA, }  
Savannah, 16th Feb., '66. }

His Excellency CHARLES J. JENKINS,

*Milledgeville, Georgia.:*

Sir : In compliance with your Circular of the 6th inst., I have the honor to enclose a return of the condition of this Bank, made up to the 20th December, 1864.

This period has been selected as being that of the occupation of this city by the Federal army, and therefore best shewing the condition to which we were reduced. Since that period no business has been done by the Bank, the only changes made arising from disposing of some of our most available assets, for the purpose of retiring our circulation.

Of the Discounted Notes, and Notes under Protest, no estimate can be made, not a dollar having been paid thereon since December, 1864.

I have the honor to be, sir,

Your ob't. serv't.,

A. CHAMPION,  
President.

*Statement of the condition of the Marine Bank of Georgia, and its late Agencies, at the close of business, Monday, December 19th, 1864, furnished in compliance with the call of the Governor of Georgia, February 6th, 1866.*

Discounted Notes, past due, and lying over, \$	148905	'84
Notes and Bills protested.....	19797	00
Property in Columbus. . . . .	55558	33
Banking house and lot. . . . .	10000	00
Real Estate taken in payment of debts. . .	4985	00
Protests.. . . .	41	45
Suspense account. . . . .	1871	30
Due from other Banks and individuals.. .	29886	64
Stocks and Bonds.....	172745	00
Exchange . . . . .	267929	91
Notes of Georgia and S. C. banks.. .	34037	00
Specie, bona-fide, the property of this bank,	80591	41
Treasury notes of the State of Georgia...	159085	00
Bonds of t e State of Georgia.....	360500	00
Bonds of the Confederate States. . . . .	511462	00
Treasury Notes of the Confederate States.	149410	31

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\$ 2006806 19

Capital stock... . . . .	\$ 1000000	00
Circulation, Bank Notes and Change bills.	701442	60
Unclaimed Dividends... . . . .	40671	84
Profit and loss.. . . .	264471	68
Resulting balance with Agencies.. . . .	220	07

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\$ 2006806 19

Personally appeared before me A. Champion, President, and William P. Hunter, Cashier, of the Marine Bank of Ga., who being duly sworn, say that the foregoing return is just and true to the best of their knowledge and belief.

A. CHAMPION, President.

W. P. HUNTER, Cashier.

Sworn to before me this 16th day of February, 1866.

JOHN SCREVEN,

J. I. C., C. C.

## BANK OF ATHENS.

## STOCKHOLDERS.

STOCKHOLDERS.	SHARES.	STOCKHOLDERS.	SHARES.
E. V. Battle,	5	R. D. Moore,	5
T. Barrett,	83	R. McMillan,	10
P. Barry,	10	Giles Mitchell,	20
E. P. Clayton,	83	J. H. Newton,	60
Geo. A. Carlton,	5	E. L. Newton,	50
J. K. Carlton,	10	J. W. Nicholson,	17
Jas. A. Carlton,	10	Augusta Orphan Asylum,	83
Ross Crane,	15	J. C. Pitner,	30
A. Dorsey,	10	Emory College,	3
George Dent,	20	E. S. Pope,	20
L. I. Dupree,	50	Wm. Reese, Trustee,	10
A. P. Dearing,	30	Jos. Rucker,	10
J. Davison,	83	W. S. Roberts,	28
G. R. Duke,	20	T. H. Roberts,	3
J. Urquhart, Trustee,	50	W. S. Roberts, Trustee,	24
J. T. Grant,	50	P. Stovall,	23
W. T. Brantley,	25	F. M. Stovall,	60
W. S. Grady,	23	S. C. Stroud,	5
A. Gould,	83	M. Stroud,	5
R. P. Griffeth,	5	Wm. Stroud,	5
Y. L. G. Harris,	43	Smythe & Rucker, Tr.,	15
S. S. Hamilton,	80	J. Scott, Sr.,	10
N. Hoyt, Trustee,	10	S. Thomas,	50
A. Hull,	20	R. Thomas,	50
John Hopkins,	20	J. J. Thomas,	50
E. R. Hodgson & Bro.,	5	P. W. Thomas,	20
R. Hancock,	10	W. P. Talmage,	10
G. Jennings,	5	Thos. Wray,	20
H. R. J. Long,	40	R. Williams,	1
C. W. Long,	20	F. Phinizy,	135
J. D. Lockhart,	20	B. H. Warren,	200
W. L. Mitchell,	10	J. S. England,	10
S. J. Mays,	5		
			<hr/>
			2000



*Statement of the condition of the Bank of Athens, on the 13th day of February, as called for by the Governor's Proclamation, of the 6th of February, 1866.*

## LIABILITIES.

Capital stock....	\$ 100000 00
Circulation ..	163899 25
Surplus profits.	3110 41
Dividends declared in Confederate States' Notes, and unclaimed..	973 50
Due other banks.	02
Discount account.	15213 41
Deposits, of which 3251 58-100 dollars, is payable in Confederate States' Treasury Notes....	3400 92
	<hr/>
	\$ 286597 51

## ASSETS.

Notes discounted, (doubtful,)....	\$ 10221 94
Bonds of the Confederate States, (bad,)..	42400 00
Bonds of Clark county, Georgia....	700 00
Georgia Treasury Notes....	6942 40
Virginia Treasury Notes.....	175 00
Confederate States Treasury Notes..	124655 14
Banking house, &c..	2333 66
Due by other Banks..	63 82
Notes of other Banks.....	5246 00
Alabama and Florida Railroad Bonds, third mortgage..	15000 00
Alabama and Florida Railroad Bonds, endorsed.....	1070 00
Alabama and Florida Railroad Bonds, 2nd mortgage..	2000 00
Muscogee Railroad Bonds.	1070 00
Augusta & Waynesboro' Railroad Bonds.	500 00
Montgomery & West Point Railroad Bonds,	517 50
30 shares of Muscogee Railroad stock..	3000 00
Coupons of sundry Railroad Companies, and of the State of Georgia....	27226 25
United States Treasury Notes.	242 00
Coin and Bullion in Augusta, and in Bank, bona fide its property ..	43233 80
	<hr/>
	\$ 286597 51

Under an order of the District Court of the Confederate States, for N. District of Georgia, the sum of six hundred dollars in money and notes, and other evidences of debt amounting to 2492 62-100 dollars, placed in our hands for collection, was surrendered to James T. Nisbet, Receiver for

said District, which amounts may be added to the liabilities of this Bank.

## DIRECTORS :

S. Thomas, Jno. H. Newton, Jno. T. Grant,  
Y. L. G. Harris, Jas. S. England.

GEORGIA, }  
Clark County. }

Personally appeared before me S. Thomas, President, and A. P. Dearing, Cashier, of the Bank of Athens, and made oath that the above statement is just and true, and that the Bank of which they are officers has not, by itself or officers, or agents, in any particular, since their last return under oath, violated the provisions of an Act passed December 22nd, 1859, entitled an Act to provide against the forfeiture of the several Bank Charters in this State, on account of non-specie payments for a given time, and for other purposes therein named, as amended by the Act of 1860, to the best of their understanding and belief.

S. THOMAS, President.

A. P. DEARING, Cashier.

*Suorn to and subscribed* before me, this 13th day of February, 1866.

JAS. T. SANSON, J. I. C.

## NORTH WESTERN BANK, RINGGOLD.

AUGUSTA, GA., Feb. 16th., 1866.

Governor CHARLES J. JENKINS,

*Milledgeville, Ga.:*

Dear Sir: I did not receive your call for a return of the condition of the Banks until this morning, it being forwarded me from Ringgold. Our Bank, as you no doubt are aware, had to leave our place of business at Ringgold more than two years ago, and have never returned our assets to that point, being in such a crippled condition that we could not resume business. Our assets are all, or nearly so, in Augusta, therefore it is that we send our report from this place. Trusting that the report may be satisfactory, and in time, and hoping that the Legislature may grant some relief, I am,

Yours truly,

R. F. CURRY,  
President.

*Condition of the North Western Bank, Ringgold, Georgia, February 16, 1866.*

## ASSETS.

Georgia 6 per cent Treasury notes.....	\$ 43600 00
Confederate States Bonds. . . . .	61800 00
Confederate States 7-30 interest Notes. . .	60600 00
Bank Notes.. . . .	2950 00
Judgments and notes. . . . .	20000 00
	<hr/>
	\$ 188950 00

## LIABILITIES.

Capital stock paid in.....	\$ 50000 00
Notes in *circulation. . . . .	138950 00
	<hr/>
	\$ 188950 00

We also have 2 large safes—one damaged so it is almost worthless.

## LIST OF STOCKHOLDERS.

	No. Shares.	Amount paid in.
Wm. H. Inman, - - -	190	\$19000 00
R. F. Curry, - - -	50	5000 00
Mike Dickson, - - -	2½	250 00
W. J. Whitsett, - - -	2½	250 00
H. J. Sprayberry, - - -	2½	250 00
W. P. Inman, - - -	250	25000 00
J. T. McConnell, - - -	2½	250 00

STATE OF GEORGIA, }  
Richmond County. }

Personally appeared R. F. Curry, President North Western Bank of Georgia, before me, Jas. T. Gardiner, J. I. C., and made oath in due form of law, that the statement of the Bank as shown above, is correct, to the best of his knowledge and belief.

R. F. CURRY, President.

*Sworn to and subscribed* before me this 16th day of February, 1866.

JAS. T. GARDINER, J. I. C.

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\*Our circulation is about the amount specified above. Some of our books and papers were lost during our stay from home, we therefore only place the amount of circulation to the best of our knowledge.

*Statement of the condition of the Central Railroad Bank, in conformity with the Proclamation of His Excellency the Governor.*

1866—February 15.

Notes discounted, Confed. and other money,	\$ 310983 98
Central Railroad.....	1215 53
Bills receivable, Confed. and other money	41500 00
Stock accounts. . . . .	4375 00
Profit and loss.....	920406 16
	<hr/>
	\$ 1278480 67

1866—February 15.

Bank notes in circulation.. ....	\$ 347248 75
Bonds.. ..	167 00
Due to Banks and other Co's., Confederate and other money.....	9856 89
Due to South Western Railroad, Confederate notes. . . . .	139463 60
Due suspense account. ....	11815 25
Individual deposits, Confed. and other money	359043 18
Unclaimed dividends, Confederate money .	410885 00
	<hr/>
	\$ 1278480 67

GEO. W. CUYLER, Cashier.

Sworn to before me this 16th day of February, 1866.

T. M. CUNNINGHAM,  
Notary Public C. C.

**BANK OF COLUMBUS.**

COLUMBUS, GA., Feb. 15th, 1866.

HON. CHARLES J. JENKINS,  
*Governor of Georgia,*  
*Milledgeville, Ga :*

DEAR SIR—I herewith send you the Report of this Bank, required in your circular of the 6th inst. It will be seen that I fill the two offices of President and Cashier. This organization was adopted at the time our bankrupt condition became evident, in March last, in order to economise the remaining assets.

Yours very faithfully,  
DANIEL GRIFFIN,  
President and Cashier,  
Bank of Columbus.

*Condition of the Bank of Columbus, Ga., on the 13th day of February, 1866.*

Coin account—on hand, . . . . . \$ 26,140 80

Of the above coin, \$16,794 73 has  
been used in purchasing 133 bales  
cotton, not yet sold, and not em-  
braced in cotton account below. }

National currency—on hand, . . . . . 3,366 09

Cotton account, viz: 168 bales escaped from  
fire, and 30 bales bought after fire—198  
bales, valued at, . . . . . 31,680 00

Due on account, and considered good, . . . . . 9,575 00

Real estate, bank buldings, safes, &c., . . . . . 50,748 28

Mobile and Girard R. R. bonds, \$25,000,  
coupons \$4,000, market value, estimated  
at 80 cts. in the dollar, but put in this ac-  
count par, . . . . . 29,000 00

ASSETS—DOUBTFUL AND BAD.

Bank notes, our own and others, \$ 7,247 00

Bills discounted, doubtful and  
bad, . . . . . 29,512 92

Over drafts of former depositors, 26,734 85

Bonds of the State of Alabama,  
in war, . . . . . 46,400 00

Bonds of the State of Georgia,  
in war, . . . . . 92,925 00

Treasury Notes of the State of  
Georgia, in war, . . . . . 33,385 00

Confederate States' bonds on  
hand, . . . . . 147,600 00

Confederate States' bonds in  
Liverpool, . . . . . 180,000 00

Confed. Treasury notes 7-30, on  
hand, . . . . . 330,000 00

Confed. Treasury notes of cir-  
culation, . . . . . 102,278 05

Due by agents of this Bank, . . . . . 3,112 86

Due by Banks' agents and indi-  
viduals, . . . . . 48,640 50

Expense account—sundries, . . . . . 4 50

Profit and loss acct.— “ . \$239,719 78 1,287,560 40

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\$1,438,070 63

Capital stock, . . . . . \$ 500,000 00

Circulation account, . . . . . 816,735 05

Due depositors in Confederate notes, . . . . . 99,715 06

Dividends unpaid, . . . . . 16,410 00

Due Banks' agents and individuals, . . . . . 5,210 52

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\$1,438,070 63

THE STATE OF GEORGIA, } Personally came before me  
Muscogee County. } a Notary Public of said  
County, Daniel Griffin, who on oath saith, that he is acting  
President and Cashier of the Bank of Columbus, and that  
the above statement is correct, to the best of his knowledge  
and belief.

Sworn to and subscribed } DANIEL GRIFFIN,  
before me, this 15th day of } President and Cashier,  
Feb'y., 1866. } B'nk. of Columbus.  
L. T. DOWNING,  
Not. Pub. M. C. }

### AUGUSTA INSURANCE AND BANKING CO.

AUGUSTA, GA., February 15th, 1866.

SIR—In compliance with the Resolution of the General Assembly, passed on the 6th inst., I enclose herewith a statement of the condition of the Augusta Insurance and Banking Co., with a list of the Stockholders, which I hope will be found to meet the requirements of the resolution referred to.

Your ob't serv't,  
ROBERT WALTON,  
Late Cashier Augusta Insurance  
and Banking Co.

His Excellency,  
CHARLES J. JENKINS,  
Governor of Ga.,  
Milledgeville.

*Condition of the Augusta Insurance and Banking Company,  
May 2nd, and December 19th, 1865.*

#### ASSETS.

Notes discounted in Apr. 1865, .. .. .	\$ 35,500 00
Bills and notes lying over, .. .	2,142 68
Bills receivable, .. .	400 00
Insurance script, (Northern office), ..	120 00
Bonds of the City Council of Augusta, ..	12,500 00
Bonds of the city of Memphis, .. .	5,134 40
Bonds of the Mississippi and Tennessee Rail Road Co., .. .	25,000 00
Telegraph Company stock, .. .	500 00
Georgia R. R. & Banking Company stock, ..	4,542 00
Bank of West Tennessee stock, .. .	4,909 69
Banking house and lot in Augusta, .. .	15,524 63
Lands in Texas and Connecticut, .. .	5,307 80
Baring, Bros. & Co., balance of account, ..	415 06

Deferred coupons,.....	..	17,415 00	
Certificates of deposit, deemed in transitu,		33,696 49	
Tobacco account, purchased with Confede- rate Treasury notes,.....	..	75,320 00	
Bonds, 8 pr. ct., Confederate States of America,....	28,700 00		
Bonds, 7 pr. ct. Confederate States of America,.	5,500 00		
Bonds, 6 pr. ct., Confederate States of America, (non tax- ables),..	204,700 50		
Bonds, 4 pr. ct., Confederate States of America,..	8,900 00		
Interest bearing notes, Confed. States of America, (seven thirties),..	356,850 00	614,650 50	
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Bonds of the State of Georgia, issue of 1862,.....	112,500 00		
Treasury notes of the State of Georgia, issue of 1862,..	23,700 00	136,200 00	
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Balance due by Banks,....		1,888 45	
Confed. sequestration claim,.		15,000 00	
Insurance dues,.....	4,497 61		
Returned Premiums,..	2,012 66		
<hr/>		8,010 27	
Protest account,.....		21 85	
Balances due by agents,...		14,206 29	
Cash items, including notes of the Augusta Insurance and Banking Co.,....		26,008 12	
Incidental charges,.....	66,419 61		
Losses by fire,....	30,796 71	97,216 32	
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Augusta Insurance and Bank- ing Co. stock, 337½ shares,		35,592 00	
<hr/>		\$1,187,221 55	

## LIABILITIES.

Capital stock,.....	\$ 375,000 00	
Bills in circulation, (of which there are on hand \$7,492 50,).....	535,563 00	
Change bills issued,.....	11,155 00	
Dividends unpaid,.....	16,626 46	
Insurance department, including premiums , on insurance,.....	180,065 92	
Profit and loss,.....	32,642 77	
Discount account,.....	33,521 81	

House rent,.....	625 00
Deposits, .....	958 59
Exchange Bank of Virginia,...	430 90
H. H. Epping, Agent,...	454 65
J. M. Boardman, Agent,.....	177 45
	<hr/>
	\$1,187,221 55

Assets included in above statement, deemed available, and estimated at :

Insurance scrip, Northern office,...	\$ 120 00
Bonds of the City Council of Augusta,..	12,500 00
Bonds of the City Council of Memphis,.	5,134 40
Bonds of the Miss. and Tenn. R. R. Co.,.	25,000 00
Telegraph Company stock,...	500 00
Georgia Rail Road stock,.	4,542 00
Bank of West Tennessee stock,.	4,909 69
Banking house and lot in Augusta,.	15,524 63
Lands in Texas and Connecticut,.	5,307 80
Baring Bros. & Co., balance of account,.	415 06
Deferred coupons, \$17,415 00, estimated at	4,000 00
Certificates of deposits, deemed in transitu, estimated at,.	13,202 06
Tobacco account, estimated at,...	2,000 00
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	\$93,155 64

## CIRCULATION.

The circulation, as stated, was..	\$ 535,563 00
The change bills issued amounted to. .	11,155 00
	<hr/>
	\$ 546,718 00

From which must be taken bills redeemed and on hand,...	\$ 7,492 50
Also bills redeemed in New York during the war,.	35,545 00
	<hr/>
	43,037 50
	<hr/>
Leaving amount outstanding,.	\$ 503,680 50



## LIST OF STOCKHOLDERS

*Of the Augusta Insurance and Banking Co., Dec. 19, 1865.*

Names.	Shares.	Names.	Shares.
Barnes, G. T., Trustee,	16 $\frac{3}{4}$	Finlayson, John	50
Barber, T. C., & Son,	15	Gardner, Mrs. M. F.,	25
Bird Wilson,	7 $\frac{1}{2}$	Henkell, Edward	50
Bones, Thos, A.,	9 $\frac{3}{4}$	Hartridge, J., Trustee,	7 $\frac{1}{2}$
Bale, John, estate of,	105 $\frac{3}{4}$	Hope, James	112
Bryson, Eliza	7 $\frac{1}{2}$	Harris, J. W. Trustee,	35
Columbia Co. Academy,	4	Hamilton, Jas. S.,	135
Crawford, Chas. A.	65	Hull, John H.,	4
Crawford, Nathan H.,	10	Hoops, John H.,	4
Crawford, Pamela,	10	Jackson, Wm. E.,	110 $\frac{3}{4}$
Crawford, Sarah J.,	10	Kerr, John	123
Cumming, Sarah W.,	18 $\frac{3}{4}$	Kerr, estate of Sm'l.,	110 $\frac{3}{4}$
Cumming, W. Trustee,		Kerr, Sm'l. E.,	25
S. W. C.,	43 $\frac{1}{2}$	Kerr, estate of Wm. H.	25
Cumming, W. Trustee,		Kimball, Allen,	14
H. H. C.,	24 $\frac{3}{4}$	Longstreet, Hannah B.,	3
Cumming, Henry H.,	116 $\frac{1}{4}$	Mealing, estate of H.	18 $\frac{3}{4}$
Cumming, H. H. Trustee,		Moore, Eliza	10
I. H. C.,	25 $\frac{3}{4}$	Moore, Mary Jane	10
Cumming, H. H., Trustee,		Moore, estate of R. T.	10
A. E. S.,	24 $\frac{3}{4}$	Moore, John B.	10
Cumming, estate of Ann,	26 $\frac{1}{4}$	Moore, estate of Fanny,	15
Clarke, Robt. C.,	3	Martin, W. M., Trustee,	50
Dugas, Louis A.,	50	Martin,	10
Dugas, Louis A., Trustee		Mustin, Eli	10
Mrs. R.,	16 $\frac{3}{4}$	Merry, Mrs. A.	10
Davison, Jno. Trustee,	11 $\frac{7}{8}$	Nesbitt, Thomas	37 $\frac{1}{2}$
Davison, John and Jas.		Owens, W. J.,	65
Brown,	17 $\frac{1}{4}$	Pope, Hunter C.	4
Davis, M. C. C., G. M.		Pope, Ann A.,	4
Thew, Trustee,	24 $\frac{3}{4}$	Potter, James, Trustee,	9
Dupree, Lewis J.,	100	Potter, estate of Jas.	28 $\frac{1}{2}$
D'Antignac, W. M.,	21	Pressly, Mrs. Jane	13
D'Antignac, Harris H.,	27	Parrott, estate of Geo.	30
D'Antignac, Virginia,	27	Phinizy, T. B. Trustee,	100
D'Antignac, Auverne	30	Roberts, Thos. H.	118 $\frac{3}{4}$
D'Antignac, M. A. C.,		Roberts, Wm. S.,	65
Guardian,	30	Robinson, Sol	10
D'Antignac, M. A. C.,		Robinson, Mrs. C. B.,	5
Guardian,	27	Stovall, estate of P.	17
D'Antignac, M. A. C.,		Stovall, Francis M.,	20
Guardian,	27	Stovall, M. A. Trustee,	27
Dearing, A. P.,	70	Stovall & Simmons,	30 $\frac{3}{4}$
Eve, Robt. C.	3	Smith, Horace J.	112 $\frac{1}{2}$
Ereeman, estate of T W	43	St. Andrews Society,	7 $\frac{1}{2}$
Alexander,	50	Schley, Geo., Guardian,	55

## STOCKHOLDERS—Continued.

Names.	Shares.	Names.	Shares.
Schley, Mrs. Sophia	53 $\frac{1}{4}$	Walton W. A. Trustee,	
Starnes, E. Trustee,	37 $\frac{1}{2}$	A. B.	7 $\frac{3}{8}$
Scranton, P. A.,	9	Walton, W. A. Trustee,	
Sequestrated Stock,	9	S. A. W.,	10
Turpin, Wm. H.	138	Walton, C. E.,	5
Wright, D. R.,	19 $\frac{3}{4}$	Walton, Robt., Cashier,	337 $\frac{1}{2}$
Wood, Mrs. Mary	60	Yancy, Benj. C.,	35
Williams, Albert,	15		
Walton, Robt., Trustee,	4 $\frac{3}{4}$	Total No. of shares,	
		\$100 each,	3,750

STATE OF GEORGIA, } Louis A. Dugas, late President,  
*Richmond County.* } and Robert Walton, late Cashier of the Augusta Insurance and Banking Company, being duly sworn, do depose and say, that the foregoing statement represents the condition of said Company on the 2nd day of May, eighteen hundred and sixty-five, (1865,) and also its condition as exhibited to the Stockholders, in Convention, on the nineteenth day of December, eighteen hundred and sixty-five, when the charter was surrendered, and an assignment ordered to be made. No business having been done between those dates, in consequence of the condition of the country, and the state of the assets, and especially of the action of the Military authorities of the United States, in taking possession of holding and using the Banking House and lot of the Corporation.

And they do further depose and say, that since their annual report to the Governor, dated May 31, 1864, and published according to law, said Company has not by itself, its officers or agents, in any particular, violated the provisions of the act of the General Assembly of this State, passed at the session of 1857, entitled "an act to provide against the forfeiture of the several Bank charters in this State, on account of non-specie payment for a given time, and for other purposes therein named."

L. A. DUGAS,

Late President Augusta Insurance and  
Banking Company.

ROBERT WALTON,

Late Cashier Augusta Insurance and  
Banking Company.

Sworn to and subscribed before me this  
the 15th day of February, 1866.

ADRIAN C. IVES,  
Notary Public,  
Richmond co. Ga. }

## FARMERS' &amp; MECHANICS' BANK OF SAVANNAH.

FARMERS' & MECHANICS' BANK, }  
Savannah, 13th, Feb., 1866. }

*Hon. CHARLES J. JENKINS, Gov. of Ga:*

SIR:—You have herewith enclosed, statement of the condition of the Farmers' & Mechanics' Bank, in conformity with your Proclamation dated the 6th inst.

Very Respectfully, your ob't. serv't.,

J. E. GAUDREY, *Cashier.*

*List of Stockholders of the Farmers' & Mechanics' Bank, Savannah, 6th February, 1866.*

A. H. Champion,	44	C. L. S. Verstillé,	4
Jno. E. Ward,	200	W. J. Bulloch,	8
R. T. Turner,	30	T. D. Harrison,	50
A. R. Lawton,	30	C. C. Jones, Jr.,	58
M. E. Brooks, adm'x.,	9	Oglethorpe Light Infantry,	2
Mrs. Mary Daniels,	5	R. Q. Mallard, Trustee,	1
J. Jackariah,	13	J. Richardson, Trustee,	11
J. E. Gaudry,	4	J. W. Wilson,	5
A. Ulmo,	10	Wm. Rodgers,	7
J. R. Johnson. Agent,	3	N. B. Knapp,	50
J. R. Johnson,	30	E. B. Crowell,	20
W. Battersby,	10	Anna R. Crowell,	5
Mrs. S. Owens, Ex'x.,	80	W. B. & D. B. Heyward,	50
John Cooper,	5	Florida Sanders,	1
J. S. Claghorn,	120	E. L. Guerrard,	10
Geo. S. Owens,	20	Ann E. Morrell,	10
Jno. H. Glover,	40	Thos. J. Pitt,	13
D. M. Amram,	15	A. H. Champion, Trustee,	20
J. Richardson,	193	Wilson Bird,	40
E. H. Martin,	83	A. Backer,	140
Richardson & Martin,	81	Dan'l. Clancy,	20
J. Erwin, <i>in trust</i> ,	1	J. Ritterbush,	7
E. C. Wade,	32	J. O. Bartels,	32
E. Quarterman, Agent,	8	Mrs. L. Viewig,	8
S. W. Nevitt,	3	C. A. Magill,	5
H. Lathrop,	2	C. M. & W. Rogers, Trs'ee,	45
Edmund Martin,	200	Jno. C. Nicoll,	80
J. Richardson, <i>in trust</i> ,	20	L. T. Nicoll,	80
J. S. Fay, Trustee,	25	F. W. Cornwell,	50
N. A. Hardee,	150	W. M. & C. M. Rogers,	
J. L. Hardee,	2	Trustees,	124
Mrs. M. A. Inley,	5	H. M. S. Patterson,	12
Mrs. S. A. Rembert,	1	W. & R. McIntire,	15
T. H. Maxey,	2	Mrs. T. M. Guilmartin,	1
W. G. Roberts,	10	G. Bankman, Guardian,	2
Jno. A. Lewis,	7	A. A. Solomons & Co.,	25
W. J. Lawton, <i>in trust</i> ,	5		
R. F. Akin, Trustee,	11	No. of shares,	2,500

*Farmers' & Mechanics' Bank—condition of the Farmers' & Mechanics' Bank of Savannah, on the 6th February, 1866, in conformity with the requisition of his Excellency, Governor of Georgia, dated 6th February, 1866.*

## LIABILITIES.

Capital Stock,	-	-	-	-	\$250,000	00
Circulation,	-	-	-	-	388,022	30
Deposits,	-	-	-	-	16,708	92
Due to Banks,	-	-	-	-	4,685	61
Profits and Reserved Fund,	-	-	-	-	12,809	57
Dividends unpaid,	-	-	-	-	2,672	00
					<hr/>	
					\$674,898	40

## RESOURCES.

Notes and Vouchers Confederate States,	-	\$ 90,975	90
Specie,	-	18,960	51
*Discounted Notes,	-	313,177	64
Stocks and Bonds, Confederate States,	-	145,320	00
Georgia Bonds,	-	100,000	00
Bank Appurtenances,	-	1,763	24
Due by Agents,	-	4,201	11
		<hr/>	
		\$674,898	40

## BOARD OF DIRECTORS.

John Richardson—President.

Jos. S. Claghorn,

E. H. Martin,

E. C. Wade,

C. C. Jones, Jr.

STATE OF GEORGIA, } Personally appeared before me, Jos.  
*Chatham County.* } S. Claghorn, President *pro. tem.*, and  
 Jas. E. Gaudrey, Cashier of the Farmers' & Mechanics'  
 Bank, being sworn, depose and say that the above state-  
 ment is true, to the best of their knowledge and belief.

JOS. S. CLAGHORN,

President *pro. tem.*

J. E. GAUDRY,

Cashier.

Savannah, 13th day February, 1866.

ANDREW ROSS,

Notary Public C. C.

\*Discounted Notes includes one Note of \$10,000, payable in Gold.

CITY BANK OF AUGUSTA, }  
FEBRUARY 13TH, 1866. }

*His Excellency,*

CHARLES J. JENKINS, Gov.,

Milledgeville:—

In pursuance of a circular from the Executive Department, I have the honor to enclose, statements of the condition of this Bank, viz :

Date of 16th May, 1865, being the one made immediately after the collapse of the Confederacy, and the other of 9th January, 1866, the last statement made. The first is independent of the call, but your Excellency may desire to have it for reference. I avail of this occasion to say that a meeting of Stockholders of this Bank, took place on 22d January, and confirmed the action of the meeting held 19th Dec. 1865. Also, passed the following resolution—

“ That the board of directors be authorised to make the assignment recommended by the former meeting, whenever they deem it expedient ; and that the Board be authorised to surrender the charter of the Bank.”

I have the honor to be respectfully,

Your ob't Serv't,

J. C. FARGO, President.

LIABILITIES.

*Condition of the City Bank of Augusta, Ga., on the 16th May, 1865.*

Capital Stock, - - - - -	\$ 400.000 00
Circulation, - - - - -	618.136 15
Due Depositors, - - - - -	6.298 33
Suspense account, - - - - -	314 50
Dividends unpaid, - - - - -	2,082 00
Reserved fund and discount account. - - -	107,314 83
	<hr/>
	\$1,134.145 81

ASSETS.

Due by Banks, - - - - -	\$ 6.024 67
Notes Discounted, (doubtful,) - - - - -	10,000 00
Bills and Notes, (lying over,) - - - - -	39.098 51
“ “ in suit, - - - - -	888 03
Confederate States, Bonds, \$218,497 91	
State of Georgia, Bonds, (War,) 42,000 00	
Coupons of C. S., & State of Georgia, (War,) - - - 5,286 00	
7.30 Notes of Confed. States, 337,300 00	

State of Ga. Treasury Notes,	52,705 00	
Confed. States, " "	105,931 50	—761,720 41
Bonds and Stocks other than Confed. States,	234,500 00	
Protest account,	- - - - -	4 22
Expense account,	- - - - -	502 50
Banking house and lot,	- - - - -	20,000 00
Real Estate in Paulding co.,	- - - - -	7,600 00
Coupons, other than Confederate States,	-	10,082 50
Officers' Salaries,	- - - - -	1,750 00
Bank Notes,	- - - - -	35,414 00
Coin,	- - - - -	6,560 97
		<hr/>
		\$1,134,145 81

STATE OF GEORGIA, }  
 Richmond Co. }

Personally appeared J. C. Fargo, President, and Charles Baker, Cashier, of the City Bank of Augusta, who being sworn, depose and say that the foregoing statement of the condition of said Bank is true, and that since the last return, to the best of their knowledge and belief, said Bank has not violated any obligation imposed by law, either by itself, its officers or agents.

J. C. FARGO, President.  
 CHARLES BAKER, Cashier.

Sworn to and subscribed before me }  
 this 13th day of February, 1866. }

WM. C. BARBER,  
 Notary Public, R. Co. Geo.

*Condition of the City Bank of Augusta, Ga.. on 9th January*  
 1866.

#### LIABILITIES.

Capital Stock,	- - - - -	\$ 400,000 00
Circulation,	- - - - -	597,744 90
Due Depositors,	- - - - -	4,837 82
Suspense account,	- - - - -	314 50
Dividends unpaid,	- - - - -	2,082 00
Reserved fund and discount account,	-	109,609 08
		<hr/>
		\$1,114,588 30

#### ASSETS.

Due by Banks,	- - - - -	\$ 33 85
Notes Discounted, (doubtful,)	- - - - -	10,000 00
Bills and Notes (lying over,)	- - - - -	39,098 51
" " in suit,	- - - - -	888 03

Confederate States Bonds,	\$218,497	91	
State of Georgia, (War Bonds,)	42,000	00	
Coupons of C. S., &c., & State of			
Georgia, (War,)	-	-	5,356 00
Confederate States 7.30 Notes,	337,300	00	
State of Ga. Treasury Notes,	52,705	00	
State of Virginia,	"		265 00
State of Alabama,	"		50 00
Confed. States,	"	87,391 35	—743,565 26
Bonds and Stocks other than Confed. States,	234,500	00	
Protest account,	-	-	5 97
Expense account,	-	-	552 90
Banking house and lot,	-	-	20,000 00
Real Estate in Paulding co.,	-	-	7,600 00
Coupons, other than Confederate States,	-		10,012 50
Officers Salaries,	-	-	1,750 00
Bank Notes,	-	-	\$ 35,325 00
National currency,	-	-	8,118 50
City of Augusta, Notes,	-	-	151 00
Coin,	-	-	2,986 78 —46,581 28
			<hr/>
			\$ 1,114,588 30

STATE OF GEORGIA, }  
 Richmond Co. }

Personally appeared J. C. Fargo, President, and Charles Baker, Cashier, of the City Bank of Augusta, who being sworn, deposed and say that the foregoing statement of the condition of said Bank is true, and that since the last return to the best of their knowledge and belief, said Bank has not violated any obligation imposed by law, either by itself, its officers or agents.

J. C. FARGO, President.  
 CHARLES BAKER, Cashier.

Sworn to and subscribed before me }  
 this 13th day of February, 1866. }

WM. C. BARBER,  
 Notary Public, R. co. Geo.

### MANUFACTURERS BANK.

MANUFACTURERS BANK, }  
 Macon Ga., 15th Feb'y, 1866. }

His Excellency, CHARLES J. JENKINS,

*Governor of Georgia;*

SIR:—In compliance with your proclamation of the 6th inst., I transmit you herewith a statement of the condition

of this Bank, dated the 17th April, 1865, since which time *no business whatever* has been transacted by the Bank.

It is proper to mention that the assets of this Bank, under the head of notes and bills discounted, were, for the most part, given for Confederate notes, consequently, no estimated value can be placed upon them.

Very Respectfully,  
W. A. CHERRY, President.

There is no Cashier acting.

*Statement of the Condition of the "Manufacturers Bank of Macon", on the 17th day of April 1866.*

LIABILITIES.	
Deposits, - - - - -	\$ 382 91
Rent Account, - - - - -	2,112 50
Dividends unpaid, - - - - -	110 00
Profit and Loss, - - - - -	6,815 20
Circulation, - - - - -	152,399 65
Stock account, - - - - -	166,016 00
Interest account, - - - - -	13,935 24
Certificate deposit, - - - - -	1,000 00
	<hr/>
	\$342,771 50
ASSETS.	
Bills Discounted, - - - - -	\$ 193,633 66
Banking house, - - - - -	20,000 00
Expense account, - - - - -	20,444 56
Cash. - - - - -	108,693 28
	<hr/>
	\$342,771 50

GEORGIA, }  
Bibb co. }

Before me personally came William A. Cherry, President of the Manufacturers Bank of Macon, who being duly sworn, says the above is a correct statement of the said Bank taken from the books, as called for by the Governor's proclamation, of the 6th Feb'y 1866, and that to the best of his knowledge and belief said Bank has not, by itself, its officers or agents, violated or evaded any obligation of law since the last return.

W. A. CHERRY, President.

Sworn to and subscribed before me }  
this 15th Feb'y, 1866. }

J. C. C. BURNETT, J. P.

BOARD OF DIRECTORS.

W. A. Cherry, President.

A. P. Collins.

John Hollingsworth.

Wm. J. McElroy.

F. J. Champion.



*List of Stockholders in "Manufacturers Bank of Macon",**April 17th, 1865.*

The Messrs Ross,	-	-	-	-	-	-	\$ 8,000 00
A. P. Collins,	-	-	-	-	-	-	9,300 00
Mrs. S. F. Collins,	-	-	-	-	-	-	15,000 00
J. W. Hardison,	-	-	-	-	-	-	5,000 00
Mrs. S. Rosseter,	-	-	-	-	-	-	2,500 00
W. C. Cleveland,	-	-	-	-	-	-	500 00
Ellen S. Holdridge,	-	-	-	-	-	-	1,000 00
W. J. Anderson,	-	-	-	-	-	-	1,250 00
J. H. Anderson,	-	-	-	-	-	-	6,750 00
E. C. Granniss,	-	-	-	-	-	-	1,000 00
D. Abraham,	-	-	-	-	-	-	750 00
D. Flanders,	-	-	-	-	-	-	3,500 00
B. C. Smith,	-	-	-	-	-	-	500 00
T. J. Champion,	-	-	-	-	-	-	5,000 00
Jos. Gay,	-	-	-	-	-	-	5,000 00
W. J. McElroy,	-	-	-	-	-	-	5,000 00
H. S. Holdridge, Trustee	-	-	-	-	-	-	9,000 00
S. T. Coleman,	-	-	-	-	-	-	2,500 00
D. R. Mathewson,	-	-	-	-	-	-	2,500 00
Charles Collins,	-	-	-	-	-	-	63,466 00
W. A. Cherry,	-	-	-	-	-	-	10,000 00
J. Hollingsworth,	-	-	-	-	-	-	2,500 00
Knott & Hollingsworth,	-	-	-	-	-	-	5,000 00
Strong & Wood,	-	-	-	-	-	-	1,000 00
							<hr/>
							\$166,016 00

SAVANNAH, FEB'Y 13TH, 1866.

To His Excellency, CHARLES J JENKINS,

Milledgeville;

SIR:—I have the honor of enclosing to you, herewith, the statements of the Merchants & Planters Bank, and of the Mechanics Savings & Loan Association.

Your attention will be called to the absence of the President's signature, to the statements and oaths, this is caused by his absence from the State, now being on a business visit to New York city.

Very Respectfully,

Your ob't Serv't,

AUGUSTUS BARIE,

Cashier M. &amp; P. Bank.

*Statement of the condition of the Merchants & Planters Bank, Savannah, taken from the books Feb'y 12th, 1866, in obedience to a call from the Governor of the State of Georgia.*

ASSETS.

Banking house and lot,	-	-	-	\$	21,172	58
Real Estate,	-	-	-	-	7,336	31
Discounted Notes,	-	-	-	-	530,068	27
Discounted Notes under protest,	-	-	-	-	61,084	84
Exchange	"	"	-	-	24,827	41
Due by Banks,	-	-	-	-	26,156	27
" Agents, &c.,	-	-	-	-	4,075	04
Expense,	-	-	-	-	32,149	99
Salaries,	-	-	-	-	15,371	90
Protest,	-	-	-	-	180	52
Confederate States Bonds,	-	-	-	-	910,060	00
" " Treasury Notes,	-	-	-	-	349,894	00
" " " Int. bearing,	-	-	-	-	321,900	00
" " four per cent certificates,	-	-	-	-	140,000	00
" " Certificates of Deposit,	-	-	-	-	40,500	00
" " Agents orders,	-	-	-	-	6,218	00
Change Bills,	-	-	-	-	455	30
Coin,	-	-	-	-	57,717	29
						<hr/>
						\$2,549,107 72

LIABILITIES.

Capital Stock,	-	-	-	-	\$	532,832	48
Circulation,	-	-	-	-	-	1,374,599	00
Change Bills,	-	-	-	-	-	22,397	75
Deposites,	-	-	-	-	-	213,113	43
Mechanics Savings & Loan Association,	-	-	-	-	-	251,205	78
Certificates of Deposite,	-	-	-	-	-	19,880	98
Discount,	-	-	-	-	-	31,867	51
Interest,	-	-	-	-	-	61,526	91
Premium,	-	-	-	-	-	12,357	99
Due to Banks,	-	-	-	-	-	17,323	42
Profit and Loss,	-	-	-	-	-	12,002	47
							<hr/>
							\$2,549,107 72

The Confederate States Bonds and Treasury Notes, although appearing in the statement, *are not on hand*; the Bank assets were captured while in transitu from Milledgeville to Madison, and on the return of the assets the Confederate Bonds and Treasury Notes were found to be missing. There was also, a deficiency in the amount of the coin.

PRESIDENT AND DIRECTORS.

Hiram Roberts, President.

T. W. Neely.	George Cornwell.
W. H. Wiltberger.	Jno. Screven.
Edmund Martin.	3 vacancies.

GEORGIA, }  
 Chatham co. } Before me, a Notary Public, in and for said  
 county, and State, personally appeared Augustus Barie,  
 Cashier of the Merchants & Planters Bank, of Savannah,  
 who on oath, says that the foregoing return is just and true,  
 to the best of his knowledge and belief, and its officers do  
 moreover say that since its last return, this Bank to the best  
 of their knowledge and belief, has not knowingly and inten-  
 tionally retained nor evaded any obligation imposed by law,  
 either by itself, its officers or its agents.

AUGUSTUS BARIE, Cashier.

Subscribed and sworn to before me }  
 this 13th day of February, 1866. }

JNO. M. B. LOVELL,  
 Notary Public,  
 Chatham co. Ga.

The reason of Hiram Roberts, President, name and signa-  
 ture not appearing in the oath, is because of his absence  
 from the State.

AUGUSTUS BARIE, Cashier.

## LIST OF STOCKHOLDERS

*In the Merchant's and Planters Bank, Savannah.*

	SHARES.	PAID IN Per Share.	TOTAL.
Mechanic's Savings and Loan Association,	548	10	5,480 00
Mechanic's Savings and Loan Association,	100	21 50	2,150 00
Adams, Wm B	15	50	750 00
Allen, Sarah Jane	2	25	50 00
Anderson, Jno W	100	10	1,000 00
Acostas, D C	50	20	1,000 00
Adams, Margaret C	3	100	300 00
Bruen, C W W	4	10	40 00
Backer, A	100	10	1,000 00
Bell, Sam'l P	4	10	40 00
Bacon, E M	2	10	20 00
Bacon, E H	10	10	100 00
Box, Phillip M	2	10	20 00
Brown, E P	13	47	611 00
Boston, Jno	200	10	2,000 00
Burroughs, W H, in trust for A Burroughs and children,	20	100	2,000 00
Burroughs, Wm H	100	50	5,000 00
Bacon, Mary Jane	15	100	1,500 00
Berg, Sigmond	12	10	120 00
Bailey, William	250	53 86	13,466 88
Bird, Wilson	60	100	6,000 00
Bank State of Georgia,	50	20	1,000 00
Bulloch, Miss Margaret H	6	50	300 00
Bulloch, W H, in trust for C H Preston,	4	50	200 00
Bulloch, Wm H	9	100	900 00
Bryan, Geo A C	100	20	2,000 00
Cooper, Jno	20	10	200 00
Charters, Wm M	25	85	2,000 00
Cooper, Jno	25	50	1,250 00
" "	2	35	70 00
" "	40	25	1,000 00
" "	31	10	310 00
" "	1	100	100 00
Cooper, Jno, in trust for E McIntire,	3	100	300 00
Connerat, Jos J	50	10	500 00
Colverd, M A	50	30	1,500 00
Cohen, Octavus	20	10	200 00
Cain, Ann	5	100	500 00
"	5	77 50	387 50
"	5	80	400 00
Cooper, Jno, Trustee,	3	100	300 00

Cumming, G B	500	20	10000
Cole, Jno J	7	100	700
Clark, Asa	14	100	1400
Crowell, N S	93	100	9300
Crowell, N S	100	25	2500
Cohen, Morris	10	10	100
Cooper, Jno, in trust for Caro- line Cooper,	10	10	100
Cooper, Jno, in trust for Caro- line Cooper	5	50	250
Champion, F J. in trust for E Larcombe,	20	75	1500
Champion, F J	10	100	1000
Champion, F J, in trust for J M Garmany and children,	20	75	1500
Champion, F J, in trust for Mrs E A Champion,	50	100	5000
Cornwell, Geo	10	10	100
Champion, F J, in trust for Mrs Eliza Champion,	10	100	1000
Crowell, N P	20	100	2000
Campbell, E F	30	100	3000
Dunning, S C, in trust for his children,	20	10	200
Dunning, Eliza M	10	100	1000
Dunning, Wm H	40	10	400
Dixon, Thomas	250	20	5000
Davant, R J, Jr	6	50	300
Davis, Ann M	10	100	1000
Demere, Mary E	2	100	200
Daniell, (Receiver) W C	35	100	3500
" " "	45	60	2700
" " "	50	30	1500
" " "	100	10	1000
Enders, P, trustee of E Schwartz,	80	10	800
Enders, P, trustee of E Schwartz,	11	30	330
Eastman, Eliza M	8	35	280
" " "	5	60	300
" " "	30	100	3000
Fox, R D	25	100	2500
Foote, William G	100	10	1000
Falligant, Jno G	30	10	300
Frazier, S A	20	100	2000
Finlayson, Jno	400	51 50	20600
Fulton, Silas	46	100	4600
Fawcett, Alexander	12	100	1200
" "	15	20	300
" "	10	25	250

Fawcett, Alexander	5	100	500
Finlayson, Jno	25	50	1250
Guilliland, Jno	25	100	2500
Guerard, R D	10	100	1000
" "	10	10	100
" "	10	30	300
" "	5	30	150
" "	5	35	175
Guerrard, Jno M	35	30	1050
" " "	5	100	500
Gordon, Alfred H, Trustee	300	10	3000
" " " "	100	100	10000
Grantland, Seaton	500	50	25000
Harden, Anna C	1	100	100
Haywood, Alfred	20	10	200
Habersham, F, in trust for L C			
Habersham,	10	30	300
Haupt, Wm	5	10	50
Humphries, J T	30	87 33	2619 90
Hall, George	500	40	20000
" "	500	10	5000
Hardee, W J	100	10	1000
Habersham, Isabella C	5	100	500
Mayer, S N, 10 shrs. 100 \$1000	20	100	2000
Hiver, B F " " " "			
Hardie, Jane L, Administratrix	4	100	400
Habersham and Sons, R	35	35	1225
" " " "	100	25	2500
Haywood, W't'r, Blake & D'l.	40	30	2000
" " " " "	100	3	3000
" " " " "	1160	10	11600
" " " " "	450	20	9000
Hardie, Charles S	50	10	500
Jones, J T	5	10	50
Johnston, Mary H	6	100	600
Johnston, Geo H, surviving			
Trustee G P Kollock	50	20	1000
Johnston, Geo H, Trustee for			
Eliza Morrison,	2	13 77	27 54
Jones, Geo	10	100	1000
Jones, Geo and G J Kollock, in			
trust for S J Gardner,	10	100	1000
Jones, Geo and R H Gardner in			
trust for Mary G Harrison,	10	100	1000
Jones, Geo F	20	100	2000
Kine, Wm, Guardian of John			
D Huleck,	53	10	530
Kelly, Jno J	50	100	5000
Knapp, N B	100	10	1000
Kollock, Augusta J	10	10	100

Kollock, Maria C	5	11	55
Kollock, Jane J	5	10 67	80 35
Kollock, P M, in trust for E C			
Kollock,	5	11	55
Kollock, George J, for next			
friend, pr E S and L F Neu-			
ville,	1	100	100
Lelventhal, M	20	100	2000
Lovell, E	25	10	250
"    "	1	100	100
"    "	5	60	300
"    "	30	100	3000
"    "	10	50	500
Long, J	2	100	200
Lincoln, W W	25	25	625
Legriel, Lewis	20	15	300
Lampel, C	20	100	2000
Lathrop, Henry	50	10	500
Linton Est W W by Sarah and			
Hannah M Smith,	3	100	300
Moore, Jno B	20	100	2000
Murchison, Jno	50	100	5000
McCormack, William	5	10	50
McHenry, James	50	60	3000
Mitchell, Alexander	20	50	1000
Molyneux, E	1072	10	10720
Morrell, Isaac	100	10	1000
Murray, W C	500	10	5000
Martin, Alfred M	370	19	7030
McIntire, William	200	31 10	6220
McIntire, Robert	200	31 10	6220
McIntire, Robert	125	10	1250
Martin, Edmond	800	18	14400
Miller, Cornelia M	24	100	2400
Magill, C A. in trust for M C			
Magill,	2	100	200
McIntire, R in trust for Caro-			
line Hunton,	25	10	250
Mills, N C, Trustee	12	76 75	921
Mitchell. A, Trustee for S A			
Collins,	23	100	2300
McIntire, Robert, in trust for			
Sarah Condon,	15	65	975
Nevitt, Lathrop & Rogers	20	10	200
Nevitt, Jno W	50	50	2500
Nichols, Geo N, in trust for Mrs			
C A Lyons,	1	50	50
Nichols, Geo S	40	50	2000
Nichols, Geo T	5	10	50
Norris, Jas A, Agent	10	10	100

Norris, Jas A, Agent	25	30	750
Neely, T W	52	100	5200
Neufville, E F	1	100	100
Neely, Jno D	50	10	500
Nichols, Geo N	3	25	75
Neufville, Mary	20	100	2000
Nicoll, Jno C	7	100	700
Nicoll, Jno	100	21 50	2150
Oliver, Jno A	15	35	525
Oliver, Jno A	10	100	1000
Olcott, D G	10	100	1000
Potter, James	100	10	1000
Pearson, J W	100	20	2000
Porter, Anthony	100	10	1000
Price, W C H	30	10	300
Purse, D G	10	10	100
Richardson, Jno	200	10	2000
Rogers, William	100	100	10000
Rowland, Jno C	4	100	400
Rowland, Jno C	10	30	300
Remshart, William	2	100	200
Roberts, Hiram	4000	10	40000
Sawyer, Sarah, in trust for S P Brassell,	2	50	100
Scudder, Amos	10	10	100
Scudder, Jno in trust for Sarah A O Scudder,	15	100	1500
Scudder, Jno in trust for C W C Scudder,	8	100	800
Scudder, Jno in trust for Mary E Scudder,	11	80	880
Sawyer, Sarah, in trust for Jno L Brassell,	2	50	100
Sawyer, Sarah, in trust for Hamilton Mc D Brassell,	2	50	100
Smith, Miss Catherine	8	100	800
Scudder, E	20	30	600
Smith, Alexander	60	27 50	1650
Smith, Alexander	40	85 83	3433 30
Stafford, Robert	500	40	20000
Smith, Sarah, by Ex Sarah and H M Smith,	3	100	300
Smith, Hannah, by Exr Sarah and H M Smith,	4	100	400
Snider, Mrs, for self and chil- dren,	10	100	1000
Stevenson, James	5	100	500
Snider, Mary T	10	100	1000
Stevens, Jane M, Admr.	10	100	1000
Stiles, Mrs Elizabeth	59	10	590



Scriven, Jno	166	21	3486
Scriven, Geo P	167	21	3507
Scriven, Thomas P	167	21	3507
Tupper, Mary	2	100	200
Tupper, Frederick	3	100	300
Tupper Alfred	3	100	300
Telfair, Mary	133	100	13300
Tinsley, W. B. Trustee, for Susan A Bailey,	100	100	10000
Turner, Lewis T, Guardian of S L & T T Turner,	5	100	500
Villalonga, J L & J Washburn, Trustees of Mrs F Wade,	33	10	330
Weed, H D	50	10	500
Williamson, R M	100	50	5000
Williams, William	25	79	1975
White, Mrs Maria, in trust for R H White,	5	100	500
Walthour, Israel F	12	100	1200
Ward, Isabella	5	100	500
Wisembaker, C in trust for H H Inly,	5	100	500
Waring, W R	1	100	100
Waring, J J	1	100	100
Waring, Ann M	1	100	100
Walker, Robert D	20	10	200
Wiltberger, William H	10	100	1000
Wyer, Mary H. Mrs	50	60	3000
Waitzfelder, E. President	10	100	1600
Waitzfelder, E. President	100	40	4000
Ward, Jno E	15	100	1500
Washburn, Joseph	33	10	330
Wilder, Jno R. Trustee for G. McClusky and children,	33	10	330
Washburn, Ingersoll	33	10	330
Wylly, Wm P	35	10	350
Wilder, Jno R. guardian for E D Washburn,	33	10	330
Younge, E R	100	100	10.000
Zettroner, Katharine	20	100	2.000
Shares 20,000 - -			\$532.832 48

The above is a true list of the stockholders in the Merchants & Planter's Bank, and amount of their shares.

*Subscribed and sworn to* before me this 13th day of February, 1866.

JNO. M. B. LOVELL,  
Notary Public,  
Chatham co., Ga.

*Statement of the condition of the Mechanics Savings and Loan Association, taken from the Books, February 12th, 1866, in obedience to a call from the Governor of the State of Georgia.*

## ASSETS.

Discounted Notes	-	-	-	\$	2,050	00
Advances on Cotton	-	-	-	-	6,664	55
Other advances	-	-	-	-	6,900	18
Real estate	-	-	-	-	25,611	00
Bank Stock	-	-	-	-	7,630	00
Phillips, G., & Co.	-	-	-	-	121	52
Confederate Bonds	-	-	-	-	557,200	00
Due by Merchants & Planters Banks	-	-	-	-	261,341	88
					<hr/>	
					\$	867,519 13

## LIABILITIES.

Capital stock	-	-	-	-	\$	10,000 00
Deposits	-	-	-	-		198,510 33
Certificates of Deposit	-	-	-	-		636,539 20
Profit and loss	-	-	-	-		22,469 60
					<hr/>	
					\$	867,519 13

The Confederate Bonds appearing in the statement are *not in hand*, the assets were captured by the Federals while in transitu from Milledgeville to Madison, and on the return of the assets the Bonds were found to be missing.

Of the Real Estate \$15,500 was purchased as confiscated property.

## PRESIDENT AND DIRECTORS.

Hiram Roberts, President.

W H. Wiltberger,  
Thomas W. Neely,

George W. Wylly.  
Augustus Barie.

## STOCKHOLDERS :

R. J. Moses	-	-	5	Shares, \$2,	\$	10	00
G. W Wylly	-	-	100	"	"	200	00
J. D. LaRoche, Trustee,			200	"	"	400	00
Augustus Barie	-	-	200	"	"	400	00
T. W Neely	-	-	500	"	"	1000	00
W. H. Wiltberger	-	-	500	"	"	1000	00
H. Roberts,	-	-	3495	"	"	6990	00
					<hr/>		
					5000	\$	10000 00

GEORGIA, }  
Chatham county. }

Before me a Notary Public in and for said county and State, personally appeared Augustus Barie, Secretary and Treasurer of the Mechanics Savings & Loan Association,

who, on oath says that the foregoing return is just and true to the best of his knowledge and belief; and I do moreover say that since its last return this institution to the best of his knowledge and belief has not knowingly and intentionally retained nor evaded any obligation imposed by law, either by itself, its officers or agents.

AUGUSTUS BARIE,  
Secretary & Treasurer.

*Subscribed and sworn to before me* }  
this 13th day of February, 1866. }  
JNO. M. B. LOVELL, }  
Notary Public, }  
Chatham county. }

The reason of Hiram Roberts', President, name and signature not appearing in the oath is because of his absence from the State.

AUGUSTUS BARIE,  
Secretary & Treasurer

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### UNION BANK OF AUGUSTA.

UNION BANK, }  
Augusta, Ga., Feb. 13, 1866. }

HON. CHAS. J. JENKINS,  
Governor,

*Milledgeville:*

Sir: In compliance with the requisition of your Excellency of the 6th inst., I herewith transmit a statement of the condition of this Bank on the 10th inst. Also a statement of its condition on the 2nd May, when we ceased doing business. It is proper to add that at a meeting of stockholders, held on the 14th December, it was resolved to assign all the assets of the Bank for the benefit of its creditors, which will no doubt be confirmed by a meeting of stockholders to be held on the 23rd, current, (the Charter requiring sixty days notice to legalize such action.)

Very respectfully,

Yours,

EW'D THOMAS,  
President.

*Statement of the Condition of the Union Bank, Augusta, Ga.,  
May 2nd, 1865.*

## LIABILITIES.

Capital stock,	-	-	-	-	-	\$	300,000	00
Circulation,	-	-	-	-	-		728,874	00
Deposits,	-	-	-	-	-		572,239	47
Due to Banks and Agents,	-	-	-	-	-		55,561	90
Certificates and Deposits,	-	-	-	-	-		44	78
Dividends unclaimed,	-	-	-	-	-		5,840	00
Surplus profits, exchange and discounts,							129,021	38
Total liabilities,	-	-	-	-	-		\$1,791,581	53

## ASSETS.

Notes discounted, and special loans,	-		\$	124,863	50
Bills of exchange, Florida,	-	-		2,422	33
Due from Banks and Agents,	-	-		235,883	25
State of Georgia 7 pr. ct. bonds,					
90,000 cost,	-	-	\$	89,950	00
State of Ga. 6 per ct. Treasury					
Notes, \$261,155 cost,	-			239,081	87
State of Ga. 8 per ct. Treasury					
Notes, \$47,055 cost,	-			77,271	00
State of Ga. Treasury Notes,					
payable 25th Dec., 1864,				22,305	00
Confed. States 4 pr. ct. certifi-					
cates, 72,700 cost,	-	-		22,805	50
Confed. States 100 Million loan,				39,803	50
Confed. States 8 pr. ct. Million					
loan,	-	-		2,500	00
Confed. States 7 pr. ct. Treasury					
notes, 465,700 cost,	-			186,00	
State of N. Ca. 8 per ct. bonds,					
cost 102,000,	-	-		103,432	00
Other stocks and bonds,	-			199,453	38
Banking house and lot,	-			10,000	00
Cash on hand Confed. States					
Treasury notes,	-	-		434,977	02
Specie,	-	-		12	52
Expense and protest accounts,				820	66
Total assets,				\$1,791,581	53

*Statement of the Condition of the Union Bank, Augusta, Ga.,  
10th February, 1866.*

LIABILITIES.			
Capital stock,	-	-	\$ 300,000 00
Circulation,	-	-	728,876 80
Deposits,	-	-	158,158 33
Due to Banks and Agents,	-	-	16,977 28
Dividends unclaimed,	-	-	5,840 00
Surplus profits and Exchange,	-	-	39,471 34
<hr/>			
Total liabilities,	-	-	\$1,249,323 75

ASSETS.			
Notes discounted and special loans, Confed-			
erate States currency,	-	-	\$ 115,808 53
Bills of Exchange, Florida,	-	-	2,422 33
Confed. States 4 pr. ct. certifi-			
cates, 73,704 cost,	-	22,805 50	
Confed. States 7-30 Treasury			
notes, 465,700 cost,	-	186,000 00	
Due from other Banks, Treasu-			
ry notes, Confed. States cur-			
rency,	-	146,812 24	\$ 355,617 74
State of Ga. 6 pr. ct. Treasury			
notes, 261,135 cost,	-	239,048 87	
State of Ga. 8 per cent Treasu-			
notes, \$44,075 cost,	-	77,304 00	
State of Ga. Treasury notes,			
payable Dec. 25, 1864,		22,321 00	
State of Ga. 7 per cent bonds,			
(war bonds,) \$90,000 cost,	89,950 00	428,623 87	
State of N. Ca. 8 percent bonds,			
102,000 cost. (war bonds,)		103,432 00	
Other stocks and bonds, (sup-			
posed value \$34,000, cur-			
rency,)	-	135,081 73	
Banking house and lot,	-	10,000 00	
Fund reserved for costs of suits,			
and other expenses,	-	14,417 02	
Expense account,	-	5,294 80	
Cash on hand, Confed. Treasury			
notes,	-	78,613 50	
Specie, (copper coin,)	-	12 25	78,625 76
<hr/>			
Total assets,	-	-	\$1,249,323 75

STATE OF GEORGIA, }  
*Richmond County.* }

Personally appeared before me, Wm. C. Barber, a *Notary*  
 Public in and for said county, Edward Thomas, President,

and John Craig, Cashier, who depose and say, that the foregoing statement of the condition of the Union Bank, on the 10th inst., is just and true, to the best of their knowledge and belief.

EDWARD THOMAS,  
President.

JNO. CRAIG,  
Cashier.

*Sworn to and subscribed before me 13th day of Feb. 1866.*

WM. C. BARBER,  
Notary Public,  
Richmond Co., Ga.

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PLANTERS' BANK OF SAVANNAH.

PLANTERS BANK, }  
Savannah, February 10th, 1866. }

*His Excellency,*

CHAS. J. JENKINS,  
Governor:

*Sir:* In obedience to your call, I have the honor herewith to hand you a statement of the condition of this Bank. Since the 21st December, 1864, the Bank has transacted no new business; the building, with all our books and papers, having been in the possession of the military authorities, and occupied by them, until within a few months. It is a matter of the deepest mortification to me to report to your Excellency that the Institution is hopelessly bankrupt. The great bulk of its assets consist of Confederate and State securities. The remaining assets, composed of stocks and Railroad bonds, principally, are returned at their cost, as they appear on our books, but their present market value is far short of the cost, as returned. The same remark is applicable to the real estate of the Bank, a large portion of which is in lands, situated in different parts of the State, which we have hitherto with our best exertions been unable to sell.

I am most respectfully,  
Your ob't. serv't,  
GEO. W. ANDERSON,  
President.

In addition to the remarks made as to the value of the assets, I beg to state, that the discounted notes of the Bank will prove of little or no value. They were all discounted while Confederate notes were the only currency.

*Statement of the condition of the Planters' Bank of the State of Georgia, made in obedience to the Resolution of the General Assembly of the State of Georgia, approved 6th Feb. 1866.*

Bills discounted, (of no value,) - - \$ 170,992 06

BAD.

Bonds of the Confed. States, \$472,500 00

Four per cent certificates, Confederate States, - - 155,500 00

Seven-thirty interest notes, 691,400 00

Treasury notes, new issue, 44,390 00

Bonds of the State of Georgia, 150,000 00

State of Ga. Treasury notes, 53,600 00—1,566,390 00

Balances due by Agencies, 120,494 00

Balances due by Banks, - 24,948 00 145,442 00

Bonds of the Mobile and Girard R. R. Co., - - 9,000 00

Bonds of the Pensacola and Girard R. R. Co., - 15,000 00

Bonds of the Albany & Gulf R. R. Co., - - - 12,000 00

Bonds of the city of Macon, 3,800 00

(Of which \$11,700 is bad,) \$39,000 00

Real estate, including Bank-House and lot, of which \$22,000 is considered bad, 97,643 00

Stocks, of which \$40,200 is considered bad, - - 133,760 00

United States currency, - 26,130 00

Specie—gold and silver coin, 81,152 00 107,282 00

\$2,261,509 06

Capital stock, - - - - \$ 535,400 00

Notes in circulation, - - - - 1,454,638 00

Dividends unpaid, - - - - 27,488 00

Balances due to other Banks and Agents, 45,545 00

Balances due to Depositors, - - 55,868 00

Reserved fund, - - - - 142,570 06

\$2,261,509 06

GEO. W. ANDERSON,  
President.

H. W. MERCER,  
Cashier.





Dividend No. 25,	-	-	6,175 00	
Dividend No. 26,	-	-	15,204 00	21,379 00
Funded, 4 per cent certificates,				
Confederate,	-	-	-	19,366 00
				<hr/>
				\$1,276,750 32

## ASSETS.

Confederate bonds,	-	\$	463,228 50	
“ 4 per cent certificates and currency,			98,903 00	\$562,131 50
State of Georgia bonds, issued '62,	-	-	60,000 00	
State of Georgia 8 pr. cent Treasury notes,	-		152,815 00-	212,815 00
Notes discounted, past due under protest,	-	-	133,549 31	
Exchange on Rome, Thomasville, Americus, N. York and Philadelphia, under protest,	-	-	60,400 77	
Resulting balance with Agencies, consisting of notes discounted and under protest,			44,577 81-	238,527 89
Amount due by Banks,	-			682 30
Stocks—Muscogee R. Road,			20,000 00	
“ Augusta and Savannah R. Road,	-	-	4,200 00-	24,200 00
Coupons deducted from bonds,				17,610 00
Georgia Bank notes,	-		3,810 50	
Protest account,	-			53 20
Greenbacks or U. S. notes,				298 25
Specie and specie funds,				123,871 68
Bonds—City of Savannah,			38,000 00	
City of Macon,			2,000 00	
Atlantic and Gulf R. Road, (cost,)			44,000 00	
Augusta & Waynesboro,	-	-	2,000 00	
City of Augusta, (cost,)	-	-	6,750 00-	92,750 00
				<hr/>
				\$1,276,750 32

GEORGIA, }  
*Chatham County.* }

Before me, a Notary Public in and for said county and State, personally appeared Wm. C. O'Driscoll, President, and Geo. W. Davis, Cashier of the Bank of Savannah, who on oath say, that the foregoing return is just and true to the

best of their knowledge and belief, and these affiants do moreover say that since its last return, this Bank, to the best of their knowledge and belief, has not (knowingly and intentionally) violated nor evaded any obligation imposed by law, either by itself, its officers or agents, and the said affiants do further declare, that in the present unsettled state of affairs, they are unable to state the value of the assets of the Bank, and to determine upon and discriminate all that is good, doubtful and bad; and they further declare that no Banking operations have been done since the date of this report. The Bank is engaged in retiring its circulation.

WM. C. O'DRISCOLL,  
President.

GEO. W. DAVIS,  
Cashier.

Sworn to and subscribed before me this day—Savannah,  
February 14, 1866.

EDWARD C. HOUGH, Notary Public,  
Chatham County.

Mr. Owens from the committee on Internal Improvements, made the following report :

The committee have considered a bill to be entitled an act to alter and amend the charter of the City of Columbus, and propose to amend the same by striking out all that part of section second, after the word "jurisdiction" in the 2nd line, down to the word "also" in the 7th line, and by inserting at the end of the third section the words "except those bringing live stock for sale", and with these amendments, they recommend its passage.

The Senate took up the report of the committee of the whole, on the bill to amend the 4220th section of the Code

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and lost.

On motion the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The following bills of the House were read the first time to-wit :

A bill to authorize the several Ordinaries of this State to administer oaths, and to receive compensation therefor.

A bill to enable the Judges of the Superior and Inferior Courts of this State to fill vacancies by the appointment of Trustees, in certain cases.

A bill to declare Olivia Kate Wallace of the county of Morgan, the adopted child of Stephen B. Jones, late of said county deceased, so as to enable her to take and receive any property or legacy, to which she may be entitled by his last will and testament.

A bill to make it penal for any officer, agent, or other employee of any Rail Road company in this State, to charge for transporting freights, or passengers, above the rates allowed by their several charters.

A bill to revise the Military Code of the State of Georgia, as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code, inconsistent with its provisions, and for other purposes.

A bill to incorporate the Muscogee Insurance and Industrial Association.

A bill to incorporate the Elijay Mining Company of Georgia.

A bill to authorize certain sales to be made in other counties in this State, than where such sales are now required by law, and where certain kinds of property have been removed out of the State, to authorize the sales of the same in the State where it has been removed.

A bill to incorporate the Bucks Manufacturing Company in the county of Schley.

A bill to incorporate the New Era Mining and Manufacturing Company.

A bill to submit the propriety of abolishing the State Penitentiary, to the decision of the voters of this State.

A bill to repeal paragraph 183 of part 1st, title 4th, chapter 1st of the Code of Georgia.

A bill to incorporate the Grand Bay Manufacturing company, in the county of Berrien.

A bill to change the county of Screven from the 1st Congressional District to the 5th Congressional District.

A bill to change the line between the counties of Dooly and Pulaski, so as to include the residence of John Bemby, of the county of Dooly, within the limits of the county of Pulaski.

Mr. Owens, from the committee on Internal Improvements, made the following report :

*Mr. President :—*The committee have considered several bills, and instruct me to report as follows :

They have considered a bill to be entitled an act to incorporate the Gate City Gas Light company, which has been re-referred to them, and beg leave to return the same, adhering to the original report made by them, recommending its passage.

Also, a bill to be entitled an act to incorporate the Vul

can Iron and Coal company, and to confer certain powers and privileges thereon, which they propose to amend by striking out the words "or condemnation" in the 23d line of the 10th section; and by striking out the 11th section thereof, and with these amendments, they recommend that it do pass.

Also, a bill to be entitled an act to incorporate the Okefenokee Land and Canal company, which they recommend do not pass.

Respectfully submitted,  
GEO. S. OWENS, Chm'n.

On motion the rules were suspended, and the Senate took up the message of His Excellency the Governor.

On motion of Mr. Strozier, one hundred copies of the reports of the Banks alluded to in the message, were ordered printed for the use of the Senate.

The Senate resumed the regular order, and the following bills of the House of Representatives, were read the first time, to-wit:

A bill to incorporate the Atlanta Mining and Rolling Mill company.

A bill to legalize certain marriages in this State.

A bill to change the time of holding the Superior Court of Lee county.

A bill to incorporate the Southern Mining company.

A bill to authorize the Justices of the Inferior Court of Clarke county, to raise money for certain purposes, by an extra tax or by the issue of bonds.

A bill to repeal a repealing act, entitled an act to repeal an act, and the act of which it is amendatory, entitled an act to provide for the indigent deaf and dumb citizens of this State, and also to provide for the appointment of a commissioner, to regulate his duties, affix his salary and appropriate money therefor, by increasing annual appropriations, and for other purposes, approved January 13th, 1852, assented to Dec. 15th, 1862.

A bill to make valid certain acts of the Justices of the Inferior Court of Polk county.

A bill to incorporate the Chestatee River and Long Branch Hydraulic Hose Mining company.

A bill to regulate the distribution of the common school fund, of the county of Echols, and for other purposes.

On motion the rules were suspended, and Mr. O. L. Smith reported the following resolution:

*Resolved*, That the General Assembly do hereby express their cordial endorsement of the sentiments contained in the able and patriotic address of the Hon. Alexander H. Ste-

phens, delivered in the Hall of the House of Representatives, on the 22d instant, and that a copy of the same be spread upon the Journal of the Senate and House of Representatives.

On motion the rules were suspended, and the resolution was taken up, read, and unanimously agreed to.

On motion the rules were suspended, and the Secretary was instructed to transmit the same forthwith to the House of Representatives.

The Senate resumed the regular order, and the following bills of the House were read the first time, to-wit :

A bill to change the time of holding the Inferior Courts of the county of Lincoln.

A bill to amend an act to incorporate the Brunswick Improvement company, passed on the 9th February 1856, and to extend the privileges of the same.

A bill to authorize the Inferior Court of the county of Glynn, to compel the hands subject to road duty in any one district in said county to perform road duty in any other district in said county.

A bill for the election of a superintendant of public roads and bridges, in the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this Act, and to define his rights and duties, and to repeal all laws inconsistent with this act.

A bill to change the line between the counties of Wilcox and Pulaski.

A bill to abolish the office of Adjutant and Inspector General.

A bill to repeal an act entitled an act to legalize the proceedings of the Southern Stockholders of the Brunswick and Florida Rail Road company ; to change the name of said company, and to amend the act of incorporation, to extend the charter thereof, and to facilitate the building of said road, approved the 16th December, 1861 ; to change the name of the Brunswick and Florida Rail Road company ; to revise the charter of said company, and extend the same ; and to confer upon the Brunswick and Albany Rail Road company, the rights, powers, privileges and immunities, which have been granted to the Macon and Brunswick Rail Road company.

A bill to authorize the Inferior Court of Richmond county to levy an extra tax for county purposes.

A bill to extend the corporate limits of the city of Rome.

A bill to appropriate money to pay D. B. Sanford to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

A bill to amend an act to incorporate the town of Brun-

swick in the county of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and city Council, and such other officers as may be required, and confer upon them specific powers, and for other purposes therein mentioned.

A bill to change the line between the counties of Murray and Gordon.

A bill to exempt from street duty, all persons who now are, or hereafter may become members of either of the existing Hook and Ladder or Fire companies, of the City of Atlanta.

A bill to incorporate the Gate City Foundry, Car and Machine works, in the city of Atlanta, county of Fulton, and State of Georgia.

A bill to regulate Court cost in certain cases.

A bill to incorporate the Central Georgia Manufacturing company.

A bill to authorize the Justices of the Inferior Court of Terrell county to levy and collect a tax for certain purposes.

A bill to amend part 2d, title 3rd, chapter 2d, article 4th, section 3d, of the Code of Georgia.

A bill to authorize any Sheriff or Constable in any county in this State, to make arrests in any county in this State without regard to the residence of the arresting officer.

A bill to incorporate the city of Madison, to provide for its government, define its powers, and for other purposes therein mentioned.

A bill to allow parties time to make writs of certiorari in certain cases.

A bill to levy and collect a tax for the support of the government for the year 1866, and for other purposes.

A bill to amend the 4467th section of the Code of Georgia.

A bill to enable persons, whose fences have been destroyed by the Federal forces in the county of Effingham, to build stock enclosures, and to make the intrusion upon said enclosure a misdemeanor, and for other purposes.

A bill to provide for the payment of teachers of poor schools for the year 1865.

A bill to repeal section 3478 of the Code of Georgia.

A bill to authorize the Inferior Court of Greene county to levy an extra tax for the purpose of building a bridge across the Oconee River, to repair bridges of said county, and for other purposes.

A bill to legalize certain contracts made by Executors, Administrators, Guardians and Trustees, with persons of color and white persons, and authorize the making of such contracts for the future, and prescribe the effect of the same.

Mr. Moore, from the joint committee on the Judiciary,

introduced the following bill, which was read the first time, to-wit :

A bill to amend the Penal Code.

On motion of Mr. Strozier, 50 copies of the same was ordered to be printed for the use of the Senate.

On motion the rules were suspended, and Mr. O. P. Beall introduced the following bill, which was read the first time, to-wit :

A bill to add lots of land No. 224, 225 and 226, in the 13th district of originally Lee, to the county of Terrell.

The following bills were read the second time, to-wit :

A bill to authorize the transfer of all civil cases now on the dockets of the Inferior Courts to the County Courts.

A bill to define the term, persons of color, and declare the rights and liabilities of such persons.

A bill to repeal section 285, excepting the fifth clause thereof; and also, to repeal the first, second and third clauses of section 287, of the first article, fifth title, fourth chapter of the Code of Georgia.

A bill to define and regulate Court contracts and prescribe the manner of enforcing the same on the County Courts.

On motion of Mr. Strozier 50 copies each of the two bills last read, were ordered to be printed for the use of the Senate.

The Senate took up the report of the committee of the whole on the bill to incorporate the Columbus Railroad Company.

The committee on Internal Improvements to whom this bill was referred propose to amend by adding to the 3rd section the words "not to exceed two hundred thousand dollars," also to add to the 7th section "subject to the approval of the Mayor and Aldermen of said city," and with these amendments they recommend that it be passed.

The amendments of the committee were agreed to.

Mr. Strozier moved to amend by adding the following : "And the place of business of said Company shall be located in the city of Columbus," which motion was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to add an additional clause to the 2531st section of the Code.

The committee on the Judiciary to whom the bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill supplementary to an act to incorporate the North Georgia Mining & Manufacturing Company.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to prescribe and regulate the relations between parent and child, among persons of color in this State, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to incorporate the Georgia Life & Accident Insurance Company, of the city of Atlanta.

The committee on Internal Improvements to whom this bill was referred reported the same back to the Senate with the recommendation that it do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to prescribe and regulate the relation of husband and wife among persons of color in this State, and for other purposes, to which a substitute had been offered by the joint committee on the Judiciary.

The substitute was adopted in lieu of the original.

Mr. Bower moved to amend the substitute by adding the words "the man shall select the reputed wife by whom he has the greatest number of children," which motion was lost.

Mr. Strozier moved to amend by inserting after the word "fornication" the words "or fornication or adultery, or fornication and adultery," which motion was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed, under the following title, to-wit:

A bill to prescribe and regulate the relation of husband and wife among persons of color in this State, and for other purposes.

On motion the Senate adjourned until to-morrow morning, at 10 o'clock.

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SATURDAY, FEBRUARY 24TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. O. P. Beall moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House to change the time of holding the Superior Courts of Clay county, in the Pataula Circuit, and of Worth county, in the South-Western Circuit, which was agreed to.



Mr. Bedford moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to divide the State into twenty Judicial Circuits, and require the Superior Courts to be held four times a year, which motion was disagreed to.

Mr. Gresham moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate to amend the 4220th section of the Code, which motion was lost.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives the following resolution, to-wit :

A joint resolution expressing the cordial endorsement by the General Assembly of the address of the Hon. A. H. Stephens.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills :

A bill to incorporate the Columbus Manufacturing Company, and for other purposes therein mentioned.

A bill to change the county line between the counties of Spalding and Pike, so as to include the entire farm of John H. Akin within the county of Spalding.

A bill to change the county lines between the counties of Laurens and Wilkinson, and to add a portion of Wilkinson to Laurens, and for other purposes.

They have also adopted a "resolution requesting His Excellency, the Governor, to instruct the Superintendent of the Western & Atlantic Railroad to give certain aid to farmers and other persons upon said Railroad," in which they invite the concurrence of this branch of the General Assembly.

The House of Representatives have also concurred in the joint resolution expressing the cordial endorsement of the General Assembly of the address of the Hon. A. H. Stephens.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives the following acts to-wit :

An act to change and define the times of holding the Superior Courts of the several counties of the Western Judicial Circuit :

An act to incorporate the Cherokee Mining & Manufacturing Company.

The following is the address of the Hon. Alexander H. Stephens, which was ordered to be spread on the Journal

## ADDRESS

OF

HON. ALEXANDER H. STEPHENS,

*Before the General Assembly of the State of Georgia, Feb. 22, 1866.**Gentlemen of the Senate**and House of Representatives :*

I appear before you in answer to your call. This call, coming in the imposing form it does, and under the circumstances it does, requires a response from me. You have assigned to me a very high, a very honorable, and responsible position. This position you know I did not seek. Most willingly would I have avoided it; and nothing but an extraordinary sense of duty could have induced me to yield my own disinclinations and aversions to your wishes and judgment in the matter. For this unusual manifestation of esteem and confidence, I return you my profoundest acknowledgments of gratitude. Of one thing only can I give you any assurance, and that is, if I shall be permitted to discharge the trusts thereby imposed, they will be discharged with a singleness of purpose to the public good.

The great object with me now, is to see a restoration, if possible, of peace, prosperity, and Constitutional liberty in this once happy, but now disturbed, agitated, and distracted country. To this end, all my energies and efforts to the extent of their powers, will be devoted.

You ask my views on the existing state of affairs; our duties at the present; and the prospects of the future? This is a task from which, under other circumstances, I might very well shrink. He who ventures to speak, and to give counsel and advice in times of peril, or disaster, assumes no enviable position. Far be that rashness from me which sometimes prompts the forward to rush in where angels might fear to tread. In responding, therefore, briefly to your enquiries, I feel, I trust, the full weight and magnitude of the subject. It involves the welfare of millions now living, and that of many more millions who are to come after us. I am also fully impressed with the consciousness of the inconceivably small effect of what I shall say, upon the momentous results involved in the subject itself.

It is with these feelings, I offer my mite of counsel at your request. And in the outset of the undertaking, limited as it is intended to be, to a few general ideas only, well may I imitate an illustrious example in invoking aid from on High; "that I may say nothing on this occasion."

which may compromit the rights, the honor, the dignity, or best interests of my country." I mean specially the rights, honor, dignity, and best interests of the people of Georgia. With their sufferings, their losses, their misfortunes, their bereavements, and their present utter prostration, my heart is in deepest sympathy.

We have reached that point in our affairs, at which the great question before us is—"To be or not to be?"—and if to be: How? Hope, ever springing in the human breast, prompts, even under the greatest calamities and adversities, never to despair. Adversity is a severe school, a terrible crucible; both for individuals and communities. We are now in this school, this crucible, and should bear in mind that it is never negative in its action. It is always positive. It is ever decided in its effects one way or the other. It either makes better or worse. It either brings out unknown vices, or arouses dormant virtues. In morals, its tendency is to make saints or reprobates—in politics to make heroes or desperadoes. The first indication of its working for good, to which hope looks anxiously, is the manifestation of a full consciousness of its nature and extent, and the most promising grounds of hope for possible good from our present troubles, or of things with us getting better instead of worse, is the evident general realization, on the part of our people, of their present situation: Of the evils now upon them, and of the greater ones still impending. These it is not my purpose to exaggerate if I could; that would be useless; nor to lessen or extenuate; that would be worse than useless. All tully understand and realise them. They feel them. It is well they do.

Can these evils upon us—the absence of law; the want of protection and security of person and property, without which civilization cannot advance—be removed? or can those greater ones which threaten our very political existence, be averted? These are the questions.

It is true we have not the control of all the remedies, even if these questions could be satisfactorily answered. Our fortunes and destiny are not entirely in our own hands. Yet there are some things that we may, and can, and ought, in my judgment to do; from which no harm can come; and from which some good may follow, in bettering our present condition. States and communities, as well as individuals, when they have done the best they can in view of surrounding circumstances, with all the lights they have before them—let results be what they may—can at least enjoy the consolation—no small recompense that—of having performed their duty, and of having a conscience void of offence before God and man. This, if no more

valuable result, will, I trust, attend the doing of what I propose.

The first great duty, then, I would enjoin at this time, is the exercise of the simple, though difficult and trying, but nevertheless indispensable quality of patience. Patience requires of those afflicted to bear and to suffer with fortitude whatever ills may befall them. This is often, and especially is it the case with us now, essential for their ultimate removal by any instrumentalities whatever. We are in the condition of a man with a dislocated limb, or a broken leg, and a very bad compound fracture at that. How it became broken should not be with him a question of so much importance, as how it can be restored to health, vigor and strength. This requires of him as the highest duty to himself, to wait quietly and *patiently* in splints and bandages, until nature resumes her active powers—until the vital functions perform their office. The knitting of the bones and the granulation of the flesh require time. Perfect quiet and repose even under the severest pain, is necessary. It will not do to make too great haste to get well. An attempt to walk too soon will only make the matter worse. We must or ought now, therefore, in a similar manner to discipline ourselves to the same or like degree of patience. I know the anxiety and restlessness of the popular mind to be fully on our feet again—to walk abroad as we once did—to enjoy once more the free outdoor air of Heaven, with the perfect use of all our limbs. I know how trying it is to be denied representation in Congress, while we are paying our proportion of the taxes—how annoying it is to be even partially under military rule—and how injurious it is to the general interest and business of the country to be without Post Offices and mail communications; to say nothing of divers other matters on the long list of our present inconveniences and privations. All these, however, we must patiently bear and endure for a season. With quiet and repose we may get well—may get once more on our feet again. One thing is certain, that bad humor, ill temper, exhibited either in restlessness or grumbling, will not hasten it.

Next to this, another great duty we owe to ourselves is the exercise of a liberal spirit of forbearance amongst ourselves.

The first step towards local or general harmony, is the banishment from our breasts of every feeling and sentiment calculated to stir the discords of the past. Nothing could be more injurious or mischievous to the future of this country, than the agitation at present, of questions that divided the people anterior to, or during the existence of the late war. On no occasion, and especially in the bestowment of office, ought such differences of opinion in

the past, ever to be mentioned, either for or against any one, otherwise equally entitled to confidence. These ideas or sentiments of other times and circumstances, are not the germs from which hopeful organization can now arise. Let all differences of opinion, touching errors, or supposed errors, of the head or heart, on the part of any, in the past, growing out of these matters, be at once, in the deep ocean of oblivion, forever buried. Let there be no criminations or re-criminations on account of acts of other days. No canvassing of past conduct or motives. Great disasters are upon us and upon the whole country, and without enquiring how these originated, or at whose door the fault should be laid, let us now as common sharers of common misfortunes, on all occasions, consult only as to the best means, under the circumstances as we find them, to secure the best ends towards future amelioration. Good Government is what we want. This should be the leading desire and the controlling object with all; and I need not assure you, if this can be obtained, that our desolated fields, our towns and villages, and cities now in ruins, will soon—like the Phoenix—rise again from their ashes; and all our waste places will again, at no distant day, blossom as the rose.

This view should also be borne in mind, that whatever differences of opinion existed before the late fury of the war, they sprung mainly from differences as to the best means to be used, and the best line of policy to be pursued, to secure the great controlling object of all—which was GOOD GOVERNMENT. Whatever may be said of the loyalty or disloyalty of any, in the late most lamentable conflict of arms, I think I may venture safely to say, that there was, on the part of the great mass of the people of Georgia, and of the entire South, no *disloyalty* to the principles of the Constitution of the United States. To that system of representative Government; of delegated and limited powers; that establishment in a new phase, on this continent, of all the essentials of England's *Magna Charta*, for the protection and security of life, liberty and property; with the additional recognition of the principle as a fundamental truth, that all political power resides in the people. With us it was simply a question as to where our allegiance was due in the maintenance of these principles—which authority was paramount in the last resort—State or Federal. As for myself, I can affirm that no sentiment of disloyalty to these great principles of self government, recognized and embodied in the Constitution of the United States, ever beat or throbbed in breast or heart of mine. To their maintenance my whole soul was ever enlisted, and to this end my whole life has heretofore been devoted, and will continue to be the rest of my days—God willing. In

devotion to these principles, I yield to no man living. This much I can say for myself; may I not say the same for you and for the great mass of the people of Georgia, and for the great mass of the people of the entire South? Whatever differences existed amongst us, arose from differences as to the best and surest means of securing these great ends, which was the object of all. It was with this view and this purpose Secession was tried. That has failed. Instead of bettering our condition, instead of establishing our liberties upon a surer foundation, we have, in the war that ensued, come well nigh losing the whole of the rich inheritance with which we set out.

This is one of the sad realizations of the present. In this, too, we are but illustrating the teachings of history. Wars, and civil wars especially, always menace liberty; they seldom advance it; while they usually end in its entire overthrow and destruction. Ours stopped just short of such a catastrophe. Our only alternative now is, either to give up all hope of Constitutional liberty, or to retrace our steps, and to look for its vindication and maintenance in the forums of reason and justice, instead of on the arena of arms—in the Courts and halls of Legislation, instead of on the fields of battle.

I am frank and candid in telling you right here, that our surest hopes, in my judgment, of these ends, are in the restoration policy of the President of the United States. I have little hope for liberty—little hope for the success of the great American experiment of self-government—but in the success of the present efforts for the restoration of the States to their former practical relations in a common government, under the Constitution of the United States.

We are not without an encouraging example on this line in the history of the mother country—in the history of our ancestors—from whom we derived, in great measure, the principles to which we are so much devoted. The truest friends of liberty in England once, in 1642, abandoned the forum of reason, and appealed, as we did, to the sword, as the surest means, in their judgment, of advancing their cause. This was after they had made great progress, under the lead of Coke, Hampden, Falkland and others, in the advancement of liberal principles. Many usurpations had been checked; many of the prerogatives of the Crown had been curtailed; the Petition of Right had been sanctioned; Ship-money had been abandoned; Courts-Martial had been done away with; *Habeas Corpus* had been re-established; High Courts of Commission and Star-Chamber had been abolished; many other great abuses of power had been corrected, and other reforms established. But not satisfied with these, and not satisfied with the peaceful working of reason, to go on in its natural sphere, the denial of the Sovereignty

of the Crown was pressed by the too ardent reformers upon Charles the First. All else he had yielded—this he would not. The sword was appealed to, to settle the question; a civil war was the result; great valor and courage were displayed on both sides; men of eminent virtue and patriotism fell in the sanguinary and fratricidal conflict; the King was deposed and executed; a Commonwealth proclaimed. But the end was the reduction of the people of England to a worse state of oppression than they had been in for centuries. They retraced their steps. After nearly twenty years of exhaustion and blood, and the loss of the greater portion of the liberties enjoyed by them before, they, by almost unanimous consent, called for restoration. The restoration came. Charles the Second ascended the throne, as unlimited a monarch as ever ruled the empire. Not a pledge was asked or a guarantee given, touching the concessions of the Royal prerogative, that had been exacted and obtained from his father.

The true friends of liberty, of reform and of progress in government, had become convinced that these were the offspring of peace and of enlightened reason, and not of passion nor of arms. The House of Commons and the House of Lords were henceforth the theatres of their operations, and not the fields of Newberry or Marston-Moor. The result was, that in less than thirty years, all their ancient rights and privileges, which had been lost in the civil war, with new securities, were re-established in the ever-memorable settlement of 1688; which, for all practical purposes, may be looked upon as a bloodless revolution. Since that time, England has made still further and more signal strides in reform and progress. But not one of these has been effected by resort to arms. Catholic Emancipation was carried in Parliament, after years of argument, against the most persistent opposition. Reason and justice ultimately prevailed. So with the removal of the disability of the Jews—so with the overthrow of the Rotten-Borough system—so with the extension of franchise—so with the modification of the Corn-Laws, and restrictions on Commerce, opening the way to the establishment of the principles of Free-Trade—and so with all the other great reforms by Parliament, which have so distinguished English history for the last half century.

May we not indulge hope, even in the alternative before us now, from this great example of restoration, if we but do as the friends of liberty there did? This is my hope, my only hope. It is founded on the virtue, intelligence and patriotism of the American people. I have not lost my faith in the people, or in their capacity for self-government. But for these great essential qualities of human nature, to be brought into active and efficient exercise, for the

fulfillment of patriotic hopes, it is essential that the passions of the day should subside; that the causes of these passions should not now be discussed; that the embers of the late strife shall not be stirred.

Man by nature is ever prone to scan closely the errors and defects of his fellow man—ever ready to rail at the mote in his brother's eye, without considering the beam that is in his own. This should not be. We all have our motes or beams. We are all frail; perfection is the attribute of none. Prejudice or pre-judgment should be indulged towards none. Prejudice! What wrongs, what injuries what mischiefs, what lamentable consequences, have resulted at all times from nothing but this perversity of the intellect! Of all the obstacles to the advancement of truth and human progress, in every department—in science, in art, in government, and in religion, in all ages and climes, not one on the list is more formidable, more difficult to overcome and subdue, than this horrible distortion of the moral as well as intellectual faculties. It is a host of evil within itself. I could enjoin no greater duty upon my countrymen now, North and South, than the exercise of that degree of forbearance which would enable them to conquer their prejudices. One of the highest exhibitions of the moral sublime the world ever witnessed, was that of Daniel Webster, when in an open barouche in the streets of Boston, he proclaimed in substance, to a vast assembly of his constituents—unwilling hearers—that “they had conquered an uncongenial clime; they had conquered a sterile soil; they had conquered the winds and elements of the Ocean; they had conquered most of the elements of nature; but they must yet learn to conquer their prejudices”! I know of no more fitting incident or scene in the life of that wonderful man, *‘Clarus et vir Fortissimus,’* for perpetuating the memory of the true greatness of his character, on canvass or in marble, than a representation of him as he then and there stood and spoke! It was an exhibition of moral grandeur surpassing that of Aristides when he said, “Oh Athenians, what Themistocles recommends would be greatly to your interest, but it would be unjust”!

I say to you, and if my voice could extend throughout this vast country, over hill and dale, over mountain and valley, to hovel, hamlet and mansion, village, town and city, I would say, among the first, looking to restoration of peace, prosperity and harmony in this land, is the great duty of exercising that degree of forbearance which will enable them to conquer their prejudices. Prejudices against communities as well as individuals.

And next to that, the indulgence of a Christian spirit of charity. “Judge not that ye be not judged,” especially in matters growing out of the late war. Most of the wars that



have scourged the world, even in the Christian era, have arisen on points of conscience. or differences as to the surest way of salvation. A strange way that to Heaven, is it not? How much disgrace to the Church, and shame to mankind, would have been avoided, if the ejaculation of each breast had been, at all times, as it *should* have been,

"Let not this weak, unknowing hand,  
Presume thy bolts to throw;  
And deal damnation round the land,  
On him I deem *thy* foe."

How equally proper is it now, when the spirit of peace seems to be hovering over our war-stricken land, that in canvassing the conduct or motives of others during the late conflict, this great truth should be impressed upon the minds of all,

"Who made the heart? 'Tis He alone  
Decidedly, can try us;  
He knows each chord, its various tone,  
Each spring, its various bias;  
Then at the balance, let's be mute,  
We never can adjust it;  
What's done, we partly may compute,  
But know not what's resisted."

Of all the heaven descended virtues, that elevate and ennoble human nature, the highest, the sublimest, and the divinest is charity. By all means, then, fail not to exercise and cultivate this soul-regenerating element of fallen nature. Let it be cultivated and exercised not only amongst ourselves and towards ourselves, on all questions of motive or conduct touching the late war, but towards all mankind. Even towards our enemies, if we have any, let the aspirations of our hearts be, "Father, forgive them; they know not what they do." The exercise of patience, forbearance and charity, therefore, are the three first duties I would at this time enjoin—and of these three, "the greatest is charity."

But to proceed. Another one of our present duties, is this: we should accept the issues of the war, and abide by them in good faith. This, I feel fully persuaded, it is your purpose to do, as well as that of your constituents. The people of Georgia have in Convention revoked and annulled her Ordinance of 1861, which was intended to sever her from the compact of Union of 1787. The Constitution of the United States has been re-ordained as the organic law of our land. Whatever differences of opinion heretofore existed as to where our allegiance was due, during the late state of things, none for any practical purpose can exist now. Whether Georgia, by the action of her Convention of 1861, was ever rightfully out of the Union or not, there can be no question that she is now in, so far as depends upon her will and deed. The

whole United States, therefore, is now without question our country, to be cherished and defended as such, by all our hearts and by all our arms.

The Constitution of the United States, and the treaties and laws made in pursuance thereof, are now acknowledged to be the paramount law in this whole country. Whoever therefore is true to these principles as now recognized, is loyal as far as that term has any legitimate use or force under our institutions. This is the only kind of loyalty and the only test of loyalty the Constitution itself requires. In any other view, everything pertaining to restoration, so far as regards the great body of the people in at least eleven States of the Union, is but making a promise to the ear to be broken to the hope. All, therefore, who accept the issue of war in good faith, and come up to the test required by the Constitution, are now loyal, however they may have heretofore been.

But with this change comes a new order of things. One of the results of the war is a total change in our whole internal polity. Our former social fabric has been entirely subverted. Like those convulsions in nature which break up old incrustations, the war has wrought a new epoch in our political existence. Old things have passed away, and all things among us in this respect are new. The relation heretofore, under our old system, existing between the African and European races, no longer exists. Slavery, as it was called, or the *status* of the black race, their subordination to the white, upon which all our institutions rested, is abolished forever, not only in Georgia, but throughout the limits of the United States. This change should be received and accepted as an irrevocable fact. It is a bootless question now to discuss, whether the new system is better for both races than the old one was or not. That may be proper matter for the philosophic and philanthropic historian, at some future time to inquire into, after the new system shall have been fully and fairly tried.

All changes of systems or proposed reforms, are but experiments and problems to be solved. Our system of self-government was an experiment at first. Perhaps as a problem it is not yet solved. Our present duty on this subject is not with the past or the future. It is with the present. The wisest and the best often err, in their judgments as to the probable workings of any new system. Let us therefore give this one, a fair and just trial, without prejudice, and with that earnestness of purpose, which always looks hopefully to success. It is an ethnological problem, on the solution of which depends, not only the best interests of both races, but it may be, the existence of one or the other, if not both.

This duty of giving this new system a fair and just trial,

will require of you, as Legislators of the land, great changes in our former laws in regard to this large class of population. Wise and humane provisions should be made for them. It is not for me to go into detail. Suffice it to say on this occasion, that ample and full protection should be secured to them, so that they may stand equal before the law, in the possession and enjoyment of all rights of person, liberty and property. Many considerations claim this at your hands. Among these may be stated their fidelity in times past. They cultivated your fields; ministered to your personal wants and comforts; nursed and reared your children; and even in the hour of danger and peril, they were in the main, true to you and yours. To them we owe a debt of gratitude, as well as acts of kindness. This should also be done because they are poor, untutored, uninformed; many of them helpless, liable to be imposed upon, and need it. Legislation should ever look to the protection of the weak against the strong. Whatever may be said of the equality of races, or their natural capacity to become equal, no one can doubt that at this time, this race among us, is not equal to the Caucasian. This inequality does not lessen the moral obligations on the part of the superior to the inferior, it rather increases them. From him who has much, more is required than from him who has little. The present generation of them, it is true, is far above their savage progenitors, who were at first introduced into this country, in general intelligence, virtue, and moral culture. This shows capacity for improvement. But in all the higher characteristics of mental development, they are still very far below the European type. What further advancement they may make, or to what standard they may attain, under a different system of laws every way suitable and wisely applicable to their changed condition, time alone can disclose. I speak of them as we now know them to be, having no longer the protection of a master, or legal guardian; they now need all the protection which the shield of the law can give.

But above all, this protection should be secured because it is right and just that it should be, upon general principles. All governments in their organic structure, as as well as in their administration, should have this leading object in view; the good of the governed. Protection and security to all under its jurisdiction, should be the chief end of every government. It is a melancholy truth that while this should be the chief end of all governments, most of them are used only as instruments of power, for the aggrandizement of the few, at the expense of, and by the oppression of, the many. Such are not our ideas of government, never have been and never should be. Governments, according to our ideas, should look to the good of the whole, and not a part only. "The greatest good to the greatest num-

ber", is a favorite dogma with some. Some so defended our old system. But you know this was never my doctrine. The greatest good to all, without detriment or injury to any, is the true rule. Those governments only are founded upon correct principles, of reason and justice, which look to the greatest attainable advancement, improvement and progress, physically, intellectually and morally. of all classes, and conditions within their rightful jurisdiction. If our old system was not the best, or could not have been made the best, for both races, in this respect and upon this basis, it ought to have been abolished. This was my view of that system while it lasted, and I repeat it now that it is no more. In legislation therefore under the new system, you should look to the best interest of all classes; their protection, security, advancement and improvement, physically, intellectually and morally. All obstacles, if there be any, should be removed, which can possibly hinder or retard, the improvement of the blacks to the extent of their capacity. All proper aid should be given to their own efforts. Channels of education should be opened up to them. Schools and the usual means of moral and intellectual training, should be encouraged amongst them. This is the dictate, not only of what is right and proper, and just in itself, but it is also the promptings of the highest considerations of interest. It is difficult to conceive a greater evil or curse, that could befall our country, stricken and distressed as it now is, than for so large a portion of its population, as this class will quite probably constitute amongst us, hereafter, to be reared in ignorance, depravity and vice. In view of such a state of things, well might the prudent, even now look to its abandonment. Let us not however indulge in such thoughts of the future. Nor let us, without an effort, say the system can not be worked. Let us not, standing still, hesitatingly ask, "Can there any good thing come out of Nazareth?" but let us rather say as Gamaliel did, "If this counsel or this work be of men, it will come to nought, but if it be of God ye cannot overthrow it, lest haply ye be found even to fight against God". The most vexed questions of the age are social problems. These we have heretofore had but little to do with; we were relieved from them by our peculiar institution. Emancipation of the blacks, with its consequences, was ever considered by me with much more interest as a social question, one relating to the proper status of the different elements of society, and their relations towards each other, looking to the best interest of all, than in any other light. The pecuniary aspect of it, the considerations of labor and capital, in a *politico-economic* view, sunk into insignificance, in comparison with this. This problem, as one of the results of the war, is now upon us, presenting one of the most perplexing

questions of the sort that any people ever had to deal with. Let us resolve to do the best we can with it, from all the lights we have, or can get from any quarter. With this view, and in this connection, I take the liberty of quoting for your consideration, some remarks even from the REV. HENRY WARD BEECHER. I met with them some months ago while pondering on this subject, and was as much struck as surprised, with the drift of their philosophy, coming from the source they did. I give them as I find them in the *New York Times* where they were reported. You may be as much surprised at hearing such ideas from Mr. Beecher, as I was. But however much we may differ from him on many questions, and on many questions connected with this subject, yet all must admit him to rank amongst the master spirits of the age. And no one perhaps has contributed more by the power of his pen and voice in bringing about the present state of things, than he has. Yet, nevertheless, I commend to your serious consideration, as pertinent to my present object, what he was reported to have said, as follows :

"In our land and time facts and questions are pressed upon us, which demand Christian settlement. Settlement on this ground and doctrine. We can not escape the responsibility. Being strong and powerful, we must nurse and help and educate and foster, the weak and poor and ignorant. For my own part I cannot see how we shall escape the most terrible conflict of classes, by and bye, unless we are educated into this doctrine of duty, on the part of the superior to the inferior. We are told by zealous and fanatical individuals, that all men are equal. We know better. They are not equal. A common brotherhood teaches no such absurdity. A theory of universal, physical likeness, is no more absurd than this. Now as in all times, the strong go to the top, the weak go to the bottom. It's natural, right and can't be helped. All branches are not at the top of the tree, but the top does not despise the lower; nor do they all, despise the limb or the parent trunk; and so with the body politic, there must be classes. Some must be at the top and some must be at the bottom. It is difficult to foresee, and estimate the development of the *power* of classes in America. They are simply inevitable. They are here now, and will be more. If they are friendly, living at peace, loving and respecting and helping one another, all will be well. But if they are selfish, unchristian: if the old heathen feeling is to reign, each extracting all he can from his neighbor, and caring nothing for him; society will be lined by classes as by seams—like batteries, each firing broadside after broadside, the one upon the other. If on the other hand the law of love prevails, there will be no ill-will, no envy, no disturbance. Does a child hate his father because he is chief, because he is strong and wise? On the contrary, he grows with his father's growth, and strengthens with his strength. And if in society there should be fifty grades or classes, all helping each other, there will be no trouble, but perfect satisfaction and content. This christian doctrine carried into practice, will easily settle the most troublesome of all home present questions".

What he here said of the state of things where he spoke in the State of New York, and the fearful antagonism of classes there, is much more applicable to us. Here it is true, only two great classes exist, or are likely to exist, but these are deeply marked by distinctions bearing the impress of nature. The one is now beyond all question greatly superior to the other. These classes are as distinct as races of men can be. The one is of the highest type of hu-

manity, the other of the lowest. All that he says of the duty of the superior, to protect, to aid, to encourage, and to help the inferior, I fully and cordially endorse and commend to you as quite applicable to us and our situation, as it was to his auditors. Whether the doctrine, if carried out and practiced, will settle all these most troublesome home questions with us as easily as he seemed to think it would like home questions with those whom he was addressing, I will not undertake to say. I have no hesitancy, however, in saying that the general principles announced by him are good. Let them be adopted by us as far as practicable. No harm can come from it, much good may. Whether the great barrier of races which the Creator has placed between this, our inferior class and ourselves, shall prevent a success of the experiment now on trial, of a peaceful, happy and prosperous community, composed of such elements and sustaining present relations towards each other, or even a further elevation on the part of the inferior, if they prove themselves fit for it, let the future, under the dispensations of Providence, decide. We have to deal with the present.—Let us do our duty now, leaving results and ultimate consequences

To that "divinity which shapes our ends,  
Rough hew them how we will."

In all things on this subject as in all others, let our guide be the admirable motto of our State. Let our counsels be governed by Wisdom, our measures by Moderation and our principles by Justice.

So much for what I have to say on this occasion, touching our present duties on this absorbing subject, and some of our duties in reference to a restoration of peace, law and order; without which all must, sooner or later, end in utter confusion, anarchy and despotism. I have as I said I should, only glanced at some general ideas.

Now as to the future, and the prospect before us! On this branch of the subject I can add but little. You can form some ideas of my views of that from what has already been said. Would that I could say something cheerful; but that candor, which has marked all that I have said, compels me to say that to me the future is far from being bright. Nay it is dark and impenetrable. Thick gloom curtains and closes in the horizon all around us. Thus much I can say: My only hope is in the peaceful re-establishment of good government, and its peaceful maintainance afterwards.—And farther, the most hopeful prospect to this end now, is the restoration of the old Union, and with it the speedy return of fraternal feeling throughout its length and breadth. These results depend upon the people themselves—upon the people of the North quite as much as the people of the South—upon their virtue, intelligence and patriotism. I

repeat, I have faith in the American people, in their virtue, intelligence and patriotism. But for this I should long since have despaired. Dark and gloomy as the present hour is, I do not yet despair of free institutions. Let but the virtue, intelligence and patriotism of the people throughout the whole country be properly appealed to, aroused and brought into action, and all may yet be well. The masses, everywhere, are alike equally interested in the great object. Let old issues, old questions, old differences and old feuds, be regarded as fossils of another epoch. They belong to what may hereafter be considered, the Silurian period of our history. Great, new, living questions are before us. Let it not be said of us in this day, not yet passed, of our country's greatest trial and agony, that, "there was a party for Cæsar, a party for Pompey, and a party for Brutus, but no party for Rome."

But let all patriots, by whatever distinctive name heretofore styled, rally, in all elections everywhere, to the support of him, be he who he may, who bears the standard with "Constitutional Union" emblazoned on its folds. President Johnson is now in my judgment the chief great standard bearer of these principles, and in his efforts at restoration should receive the cordial support of every well wisher of his country.

In this consists, on this rests, my only hope. Should he be sustained, and the Government be restored to its former functions, all the States brought back to their practical relations under the Constitution, our situation will be greatly changed from what it was before. A radical and fundamental change, as has been stated, has been made in that organic law. We shall have lost what was known as our 'peculiar institution' which was so intertwined with the whole framework of our State body politic. We shall have lost nearly half the accumulated capital of a century. But we shall have still left all the essentials of free government, contained and embodied in the old Constitution, untouched and unimpaired as they came from the hands of our fathers. With these, even if we had to begin entirely anew, the prospect before us would be much more encouraging than the prospect was before them, when they fled from the oppressions of the old world, and sought shelter and homes in this then wilderness land. The liberties we begin with, they had to achieve. With the same energies and virtues they displayed, we have much more to cheer us than they had. With a 'climate unrivalled in salubrity; with a soil unsurpassed in fertility; and with products unequalled in value in the markets of the world, to say nothing of our mineral resources, we shall have much still to wed us to the good old land. With good government, the matrix from which alone spring all great human achieve-

ments, we shall lack nothing but our own proper exertions, not only to recover our former prosperity, but to attain a much higher degree of development in everything that characterises a great, free, and happy people. At least I know of no other land that the sun shines upon, that offers better prospects under the contingencies stated.

The old Union was based upon the assumption, that it was for the best interest of the people of all the States to be united as they were, each State faithfully performing to the people of the other States, all their obligations under the common compact. I always thought this assumption was founded upon broad, correct, and statesman-like principles. I think so yet. It was only when it seemed to be impossible further to maintain it, without hazarding greater evils than would perhaps attend a separation, that I yielded my assent in obedience to the voice of Georgia, to try the experiment which has just resulted so disastrously to us. Indeed, during the whole lamentable conflict, it was my opinion that however the pending strife might terminate, so far as the appeal to the sword was concerned, yet after a while, when the passions and excitements of the day should pass away, an adjustment or arrangement would be made upon Continental principles, upon the general basis of "reciprocal advantage and mutual convenience," on which the Union was first established. My earnest desire, however, throughout, was whatever might be done, might be peacefully done; might be the result of calm, dispassionate, and enlightened reason; looking to the permanent interests and welfare of all. And now, after the severe chastisement of war, if the general sense of the whole country shall come back to the acknowledgment of the original assumption, that it is for the best interests of all the States to be so united, as I trust it will; the States still being "separate as the billows but one as the sea"; I can perceive no reason why, under such restoration, we as a whole with "peace, commerce, and honest friendship with all nations and entangling alliances with none," may not enter upon a new career, exciting increased wonder in the old world, by grander achievements hereafter to be made, than any heretofore attained, by the peaceful and harmonious workings of our American institutions of self government. All this is possible if the hearts of the people be right. It is my earnest wish to see it. Fondly would I indulge my fancy in gazing on such a picture of the future. With what rapture may we not suppose the spirits of our fathers would hail its opening scenes from their mansions above. Such are my hopes, resting on such contingencies. But if, instead of all this, the passions of the day shall continue to bear sway; if prejudice shall rule the hour; if a conflict of races shall arise; if ambition shall turn the scale; if the sword shall be thrown in the balance against patriotism; if



the embers of the late war shall be kept a glowing until with new fuel they shall flame up again, then our present gloom is but the shadow, the *penumbra* of that deeper and darker eclipse, which is to totally obscure this hemisphere and blight forever the anxious anticipations and expectations of mankind! Then hereafter by some bard it may be sung,

‘The Star of Hope shone brightest in the West,  
The hope of Liberty, the last, the best;  
That too has set, upon her darkened shore,  
And Hope and Freedom light up earth no more.’

May we not all on this occasion, on this anniversary of the birth day of Washington, join in a fervent prayer to Heaven that the Great Ruler of events may avert from this land, such a fall, such a fate, and such a requiem !

Mr. Smith, chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit :

An act to incorporate the McClusky Gold Mining Company.

Also, an act to alter and amend the first number of section 1954, 2nd article, part 2nd, title 3rd, chapter 2nd of the Code of Georgia.

Also, an act to change the name of the Confederate Fire & Insurance Company, and to make more definite the liabilities of the stockholders.

Also, an act to incorporate the Empire State Manufacturing Company, in the county of Newton.

On motion the rules were suspended and the following bill of the House was read the second time and made the special order for Tuesday next, to-wit :

A bill to levy and collect a tax for the support of the Government for the year 1866, and for other purposes.

Mr. Black reported the following resolution :

WHEREAS, The session of the Legislature is drawing to a close, and much important business yet to be acted on, and that business may receive that attention which is due it,

*Be it therefore Resolved*, That the Messenger and Door-Keeper of the Senate shall not after this day distribute any newspaper mail until after the adjournment of the Senate.

On motion the rules were suspended and the resolution was taken up, read, and disagreed to.

Mr. McDaniel reported the following resolution :

*Resolved*, That no more new matter shall be introduced in this body after Monday the 26th instant unless by a two thirds vote.

*Resolved 2nd.* That the call for the introduction of new matter be suspended for the balance of the session.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

Mr. Gresham reported the following resolution :

*Resolved by the Senate and House of Representatives, That* the General Assembly will adjourn *sine die* on the tenth day of March next at 12 o'clock, M.

On motion the rules were suspended, and the resolution was taken up.

Mr. Turner moved to strike out the word "tenth" and insert the word "thirteenth."

Mr. O. L. Smith moved to strike out the word "tenth" and insert the word "fifteenth," which motion was lost.

The motion of Mr. Turner was agreed to.

The resolution as amended was agreed to.

Leave of absence was granted to the Senator from the 24th District, until Monday next, on important business.

The Judiciary Committee, through Mr. Moore, their chairman, made the following report:

*Mr. President:* The committee on the Judiciary to whom were referred certain bills have had the same under consideration, and I am directed to report thereon as follows :

A bill to be entitled an act to authorize the legal voters of Bartow county to determine by ballot the question of removal or no removal of the county site of said county, and to repeal an act entitled an act to submit the question of the removal of the county-site of Cass county to the legal voters of said county, and for other purposes therein specified, approved 1857, which they recommend do not pass.

Also, a bill to be entitled an act to donate the Okfe-nokee Swamp lands, as a permanent endowment, to the Georgia State Orphans Home, which they recommend do not pass.

Also, a bill to be entitled an act to consolidate, enlarge and amend the acts incorporating the city of Macon, for which the committee report a substitute to be entitled an act to amend the several acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city, which they recommend do pass in lieu of the original bill.

Also, a bill to be entitled an act to authorize the Mayor and Council of the city of Rome, Ga., to issue change bills, which they recommend do not pass.

Also, a bill to be entitled an act to compel Railroad, Steamboat and Express companies to furnish parties re-

receipts for articles delivered, and prescribe the penalty for refusal, which the committee propose to amend by striking out the 2nd section, and inserting in lieu thereof the following:

Sec. 2. Any agent or officer of any Railroad, Steamboat or Express company violating the provisions of this act shall be deemed and considered guilty of a high misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court: the fine not to be less than one hundred nor more than two thousand dollars—the imprisonment not to exceed sixty days; and upon the adoption of this amendment the committee recommend the bill be passed.

Also, a bill to be entitled an act to incorporate the Atlanta Canal and Water Works Company. The committee propose to amend the 6th section by striking out “fee simple of” and substituting therefor the words “right of way over the” and by inserting the words “during the existence of said Company,” so as to make it read “shall vest in the Company the right of way over the land in question, during the existence of said Company,” and with these amendments they recommend the passage of the bill.

Also, a bill to be entitled an act for the relief of certain physicians in this State, which they propose to amend in 1st section by striking therefrom all after the word “College” in 6th line from the bottom, and by inserting in lieu thereof the following: “or those who have heretofore practiced under a license,” and being so amended the committee recommend that the bill be passed.

The committee have reconsidered the bill to be entitled an act for the relief of Administrators, Executors, Guardians and Trustees, which was re-referred to them, and re-affirm their amendments and recommendation in favor of the passage of it.

B. B. MOORE, Chairman.

Mr. Owens, chairman of the committee on Internal Improvements, made the following report:

The committee on Internal Improvements have had under consideration “the bill to incorporate the Georgia & Alabama Petroleum Mining Company,” and propose to amend the same by adding another section thereto, and with this amendment they recommend its passage.

Mr. Bedford moved to suspend the rules in order to take up the bill of the House to repeal all laws heretofore passed prohibiting the distillation of corn, wheat, potatoes, rye, &c., which motion was lost.

The Senate took up the report of the committee of the whole on the bill to authorize freedmen to marry persons of color in this State.

The committee on the Judiciary to whom this bill was referred reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole on the bill to regulate the proceedings in winding up the insolvent banks in this State, to provide for the distribution of their assets, and the mode of proceeding against the stockholders thereof for their ultimate personal liability for the redemption of their bills, and other obligations under their charters, respectively, and to relieve the officers from certain pains and penalties.

The committee on the Judiciary to whom the bill was referred reported the same back to the Senate without recommendation.

Mr. Owens moved to amend the 3rd section by striking out the words: "Such assignment may be made to any officer, stockholder or any other other person," and insert the words "such assignment may be made to any person who may be appointed by the Judge of the Superior Court of the county where the Bank is located, on the application of any bill holder for that purpose made to the said Judge either in term time or vacation," which motion was agreed to.

Mr. Strozier moved to strike out the words in the third section as follows: "then it shall be incumbent upon the party holding such bill or note to show that it does not belong to the class of bills or notes issued during the war, but in fact was issued abroad before, and has been outstanding ever since, otherwise the presumption shall be that it was so issued during the war, and under these requirements."

Mr. Owens moved to postpone the further consideration of the bill until Monday next, which motion was lost.

Pending the consideration of the amendment of Mr. Strozier the Senate adjourned until Monday morning, at 10 o'clock.

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MONDAY, FEBRUARY 26TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Yarbrough.

On motion the rules were suspended and Mr. McDaniel reported the following resolutions:

WHEREAS, The Senate and House of Representatives of the United States of America in Congress assembled did pass an act donating public lands to the several States and Territories which may provide Colleges for the benefit of

Agriculture and the Mechanic arts, approved July 2, 1862, provided that the State or Territory should signify its acceptance within two years from the date of its approval by the President, and whereas, an act extending the time within which States and Territories may accept this grant of lands was passed and approved April 14th. 1864, by which the time of acceptance was extended to April 14th, 1866,

*Therefore be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That the State of Georgia does hereby signify its acceptance of the benefits and provisions of this act.*

*Resolved further, That His Excellency the Governor be authorized to forward a copy of these resolutions to the President of the United States.*

On motion of Mr. McDaniel the rules were suspended, and the resolutions were taken up, read and agreed to.

Leave of absence was granted to the Senator from the 31st District after the 28th instant for the balance of the session, on important business.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill:

A bill to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned.

The Senate resumed the unfinished business of Saturday, which was the consideration of the amendment of Mr. Strozier to the bill regulating the proceedings in winding up the insolvent Banks in this State, to provide for the distribution of their assets, and the mode of proceeding against the stockholders thereof for their ultimate personal liability for the redemption of their bills and other obligations under their Charters respectively, and to relieve the officers from certain pains and penalties.

Mr. O. P. Beall moved that when the Senate do adjourn it will adjourn until 3 o'clock, P. M., this day, which motion was agreed to.

Pending the consideration of the amendment the Senate adjourned.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and resumed the unfinished business of the Morning, which was the con-

sideration of the amendment offered by Mr. Strozier to the bill regulating the proceedings in winding up the insolvent Banks in this State, and to provide for the distribution of their assets, &c., whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 19.

Those voting in the affirmative are Messrs :

Bedford, Bell, W. R., Bower, Brown, Daley, England, Ezzard, Freeman, Gholston, Griffin, Johnson, J. A. W., Kenan, McDaniel, Quillian, Redding, Strickland, Strozier, Turner.

Those voting in the negative are Messrs :

Beall, O. P., Black, Boynton, Butler, Carter, Casey, Crawford, Dickey, Fuller, Manson, Mims, Owens, Parris, Patterson, Simmons, Smith, C. H., Smith, O. L., Thornton, Wilcox.

Yeas 18; nays 19.

So the motion to amend was disagreed to.

On motion of Mr. J. A. W. Johnson the further consideration of the bill was postponed until to-morrow, for the purpose of introducing new matter.

On a call of the roll the following bills were introduced and read the first time, to-wit :

By Mr. O. P. Beall—A bill to amend the Charter of the Macon & Western Railroad Company.

By Mr. Butler—A bill to incorporate the Madison Petroleum Company, of Georgia.

By Mr. J. A. W. Johnson—A bill to extend and apply the provisions of the Ordinance signed on the 8th of November 1865, to make valid private contracts, &c., by the recent Convention to wills.

By Mr. Owens—A bill accepting for the State of Georgia the donation by the United States of certain lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, by acts of Congress approved severally July 2, 1862, and April 14th, 1864, and for other purposes therein enumerated.

On motion the rules were suspended and the Senate took up the report of the Committee of the whole on the bill of the House to authorize the payment of certain claims against the Western & Atlantic Railroad.

On motion the same was referred to the committee on the Judiciary.

Leave of absence was granted to the Senator from the 17th District for the balance of the session after Monday next on important business.

On motion the Senate adjourned until to-morrow morning at 10 o'clock.

# JOURNAL OF THE SENATE,

TUESDAY, FEBRUARY 27TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Moore, from the Judiciary Committee, made the following report:

*Mr. President*:—The Judiciary Committee, to whom was referred the “bill to be entitled an act to alter and amend the several acts incorporating the city of Atlanta, in Fulton county,” have had the same under consideration, and propose the following amendments thereto: 1st, strike out the 2nd Section; 2nd, strike from 4th Section all after the word “authority” in the 5th line, down to the word “to” in the 10th line; 3rd, strike out “change bills and” in thirteenth and fourteenth lines; 4th, strike out the *proviso* to the 4th Section. With these amendments, they recommend the passage of the bill.

The Committee have also considered “a bill to be entitled an act to authorize the payment of certain claims against the Western and Atlantic Rail Road,” and propose to amend the 1st Section by inserting the following, to come in after the word “shall” in the fourth line from the bottom, to-wit: “submit the question of the liability of the State for the payment of the same to His Excellency, the Governor, and if he decide in favor of the claimants, the Superintendent shall,” and being so amended, the Committee recommend the passage of the bill.

B. B. MOORE,  
Chairman.

The following Message was received from His Excellency, the Governor, by Mr. Hunter, his Secretary:

*Mr. President*:—The Governor has approved and signed the following acts, to-wit:

An act to amend the Charter of the Dalton and Jacksonville Rail Road Company, and acts passed in relation to the same.

An act to incorporate the Atlanta Street R. R. Co., and for other purposes.

An act to incorporate the North Georgia Mining and Manufacturing Co.

An act to change and define the times of holding the Superior Courts of the several counties of the Western Judicial Circuit.

An act to incorporate the Cherokee Mining and Manufacturing Co.

An act to incorporate the Georgia and Alabama Mining and Manufacturing Co.

An act to incorporate the Kennesaw Mining Company of Georgia.

Also a Joint Resolution expressing the cordial endorsement of the General Assembly of the Address of the Hon. A. H. Stephens.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bills:

A bill to amend an act entitled an act to incorporate an Insurance Company in the city of Augusta, to be called the Commercial Insurance Company of Augusta, assented to April 18th, 1863.

A bill to authorize the Superintendent of the Western and Atlantic Rail Road, and the Treasurer of the State, to execute a Bond for the payment of certain purchases from the United States, and to pledge the faith of the State for the payment thereof.

A bill to allow Clerks of the Superior and Inferior Courts of McIntosh county to keep their offices more than one mile from the Court House.

A bill to authorize the Inferior Court of the county of Bartow to issue bonds to raise revenue for county purposes.

A bill to authorize the Justices of the Inferior Court of Randolph county to issue bonds to pay for treatment of small pox, and other expenses incurred by said Court for county purposes.

A bill to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon.

A bill to incorporate the town of Springfield, to appoint Commissioners for the same, and for other purposes.

They have also concurred in the amendment of the Senate to the following bill of the House of Representatives:

A bill to appropriate money to repair and wind up the State House Clock.

They refuse to concur in the amendment of the Senate to the following bill:

A bill to allow the Ordinary of Polk county to keep the records and papers of his office at his residence, till the building of a Court House for said County.

They have also passed the following bill of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill for the relief of the people of Georgia, and to prevent the levy and sale of property under certain circumstances and within a limited period..

The Senate resumed the unfinished business of yesterday, which was the consideration of the bill to regulate the proceedings in winding up the insolvent Banks of this State, &c.

Mr. C. H. Smith moved to amend by striking out the



2nd Section, and inserting the following in lieu thereof, which was agreed to, to-wit:

“Nothing in this act shall be so construed as to relieve any stockholder of any Bank in this State from any personal liability for the ultimate payment, in accordance with the Charter, of his proportion of the legal liabilities of the Bank, but no suit or other proceeding in any Court shall be commenced, or any judgment be signed or execution issued against any stockholder, until the receiver has first ascertained the amount in money of the whole assets of the Bank, and the amount of its legal liabilities. After this shall be correctly ascertained, so that the legal liability of each stockholder for the proportion of the deficiency of assets is known, then it shall be lawful for billholders to commence and prosecute suits against the stockholders for the amounts due by them respectively, in accordance with the obligations of their several Charters.

Mr. C. H. Smith moved to amend further by adding the following as an additional Section, which was agreed to, to-wit:

Sec. 4. Such Banks as shall accept the provisions of this act shall not reserve any portion of their corporate assets, but shall a free, fair and true discovery make, under the oath of their officers, of all their corporate property, and of any that may have been diverted to private uses of stockholders, and the receiver shall make, or cause to be made, a full and searching investigation of the same, and all said corporate assets shall be disposed of for the benefit of the creditors of said Bank.

Mr. Bedford moved to amend by striking out the 1st Section, and insert the following in lieu thereof, to-wit:

“Provided nothing in this act shall ever be so construed, so to operate, as to bar any bill holder from bringing suit and obtaining a judgment on all bills of any Bank where the date on the face of the bill shows that such bill was issued before the 1st day of January, 1862. And the affidavit of the billholder, that he has been the holder from that time, and that shall be all the evidence required of the billholder to entitle him to recover the full amount his bills call for, and proceed against the stockholders for the full amount of their stock in such Bank, and enforce the judgment when obtained by execution against any one, or all of the stockholders under the rules prescribed in the Code in Section 3283 to Section 3288 inclusive.

The amendment was disagreed to.

Mr. Strozier moved to strike out the words “subject to cross examination” in the 1st exception to the 3rd Section, which motion was lost.

Mr. Strozier moved further to amend by striking out the 4th Section, which was disagreed to.

Mr. Bower moved to strike out the words "and Confederate securities" in the preamble, which was agreed to.

Mr. Bower moved further to amend by striking out in the 6th line of the Preamble the words "without the knowledge or consent of the individual stockholders." Also to strike out the words in the preamble "And whereas, this utter insolvency; inflicting upon the stockholders the total loss of their stock, hitherto of great value, has been the inevitable consequence of the legislation of the State; And whereas, much the larger portion of the notes of said Banks now in circulation were issued during the war, and for the purpose of aiding the State and the Confederate States in carrying on the war aforesaid," which motion was agreed to.

Mr. Moore moved to strike out the whole of the preamble, which was agreed to.

Mr. Bedford moved to amend by adding the following as an additional Section, to-wit: "That the provisions of this bill be and the same are hereby extended to all private individual contracts made anterior to the 1st day of June, 1865, in settlement of their debts," whereupon the yeas and nays were required to be recorded, and are yeas 8, nays 32.

Those who voted in the affirmative are Messrs :

Bedford, Daley, Fuller, Gholston, Griffin, Quillian, Strickland, Strozier.

Those who voted in the negative are Messrs:

Barwick, Black, Bower, Boynton, Brown, Butler, Carter, Casey, Crawford, Dickey, England, Ezzard, Freeman, Gresham, J. A. W. Johnson, J. F. Johnson, Kenan, Manson, McDaniel, Mims, Moore, Owens, Parris, Patterson, Redding, Russell, Simmons, C. H. Smith, O. L. Smith, Thornton, Turner, Wilcox.

So the motion did not prevail.

Mr. Parris moved to strike out the words "and from whom received" in the 18th and 19th lines of the 1st exception to the 3rd Section, which was agreed to.

Mr. Bedford moved to fill up the blank in the 3rd Section by inserting the word "nine," which was agreed to.

The Report of the Committee as amended was agreed to, and the bill was read the 3rd time.

Mr. Moore moved to recommit the bill, which motion was lost.

Upon the question "Shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 22, nays 20.

Those who voted in the affirmative are Messrs:

Barwick, Beall, O. P., Boynton, Brown, Butler, Carter,

Casey, Crawford, Dickey, Gresham, Johnson, J. F., Manson, Mims, Moore, Owens, Parris, Patterson, Simmons, Smith, C. H., Smith, O. L., Thornton, Wilcox.

Those who voted in the negative are Messrs:

Bedford, Bell, W. R., Black, Bower, Daley, England, Ez-zard, Freeman, Fuller, Gholston, Griffin, Johnson, J. A. W., Kenan, McDaniel, Quillian, Redding, Russell, Strickland, Strozier, Turner.

So the bill was passed.

Mr. Bedford moved that the Senate do adjourn until 3 o'clock, P. M., which motion was lost.

The Senate took up the special order of the day, which was the consideration of the report of the Committee of the whole on the bill of the House to levy and collect a tax for the support of the Government for the year 1866, and for other purposes,

Mr. Gibson moved to amend the same by adding the following to the items specifically taxed, to-wit:

"Upon every dog the sum of of one dollar."

Mr. Thornton moved to amend the amendment by adding the following, to wit:

"Except one dog for the head of each family," which was agreed to.

Mr. Gresham moved further to amend the same by striking out the words "one dollar," and inserting the words "fifty cents," which motion was lost.

Upon agreeing to the amendment as amended, the yeas and nays were required to be recorded, and are yeas 19, nays 17.

Those voting in the affirmative are Messrs:

Bell, W. R., Black, Bower, Boynton, Butler, Daley, Dickey, Kenan, Manson, McDaniel, Moore, Owens, Parris, Patterson, Russell, Strozier, Thornton, Turner, Wilcox.

Those voting in the negative are Messrs:

Barwick, Bedford, Beall, O. P., Brown, England, Ez-zard, Freeman, Fuller, Gholston, Griffin, Gresham, Johnson, J. A. W., Quillian, Redding, Smith, C. H., Smith, O. L., Strickland.

So the amendment as amended was agreed to.

On motion the rules were suspended and Mr. Strozier reported the following Resolution:

"WHEREAS, Death has laid his icy hands upon its victim, in the person of General John K. Jackson, Brigadier General of the late Confederate Army, therefore, in consideration of his exalted patriotism, be it

*Resolved*, That the Senate do now adjourn until to-morrow morning at 10 o'clock.

On motion the rules were suspended and the Resolution was taken up, read, and agreed to.

The Senate adjourned.

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WEDNESDAY, FEBRUARY 28TH, 1866.

The Senate met pursuant to adjournment and was opened with prayer.

Mr. Redding moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to regulate the proceedings in winding up the insolvent Banks of this State, &c., whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 25.

Those voting in the affirmative are Messrs :

Bedford, Bell, W. R., Bower, England, Freeman, Griffin, Johnson, J. A. W., Kenan, Manson, McDaniel, Quillian, Redding, Strozier.

Those voting in the negative are Messrs :

Barwick, Beall, O. P., Black, Boynton, Brown, Butler, Carter, Casey, Crawford, Dickey, Ezzard, Fuller, Gholston, Gresham, Johnson, J. F., Moore, Owens, Parris, Patterson, Russell, Simmons, Smith, O. L., Strickland, Thornton, Wilcox,

So the motion did not prevail.

Mr. Bedford moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the amendment to the bill of the House to levy and collect a tax for the support of the Government for the year 1866, and for other purposes, which motion was agreed to.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have concurred in the following Resolutions of the Senate:

A Resolution fixing a day of adjournment.

A Resolution accepting the benefit of certain Acts of the Congress of the United States donating public lands for certain purposes therein mentioned.

They have also passed the following bills :

A bill to alter and amend the laws of this State in relation to apprentices.

A bill to incorporate the Steam Cotton Mill Company.

A bill to incorporate the Little River Mining Company.

They have also passed the following bills of the Senate:

A bill to change the terms of the Superior Courts of Worth County.

A bill to authorize the City Council of Augusta to change, alter, equalize, or create new wards in said city, and to change the mode and manner of the elections of Mayor and Councilmen of Augusta, and also to change and increase the fees and salaries of any of the officers in said city, and the terms and time of their election.

A bill to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

They have passed the following bill of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to incorporate the Blairsville Mining and Manufacturing Company.

They have rejected, by indefinite postponement, the following bill of the Senate:

A bill to extend the corporate limits of the city of Rome one mile from the Court House in every direction.

The Senate resumed the unfinished business of yesterday, which was the consideration of the report of the Committee of the whole on the bill of the House to levy and collect a tax for the support of the Government for the year 1866, and for other purposes.

Mr. Manson moved to strike out in the 2nd item of the 1st section, the word "ten," and insert the word "five."

On motion of Mr. Redding the question was divided and the Senate refused to strike out.

Mr. Strozier moved to strike out the words in the 12th item of the 1st section "except by distillers and manufacturers in this State," which motion was lost.

Mr. Bower moved to amend the same section by adding the following words: "except the liquor to be distilled from corn," which motion was lost.

Mr. Strozier moved to strike out the third section of the bill, which motion was disagreed to.

Mr. Gresham moved to amend the 4th section by adding the following words, which was agreed to, to-wit:

"And the Comptroller General of the State shall publish printed lists of the questions to be asked tax payers."

Mr. Bedford moved to add the following proviso to the amendment in reference to dogs, to-wit:

*Provided*, No fice above 15 inches high shall be considered a dog, and no puppy not three months old shall be considered a dog in this act, and no tax levied thereon."

Mr. Ezzard moved to amend the amendment by adding the following Proviso, to-wit :

*"Provided*, That no dog or dogs belonging to soldiers' widows shall be subject to taxation, and provided further, that no dog shall be taxed under the age of six months."

On motion of Mr. Daley the amendment and provisos in reference to dogs were laid on the table for the balance of the session.

The Report of the Committee as amended was agreed to the bill was read the third time and passed.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled, and ready for the signature of the President of the Senate, and Speaker of the House of Representatives, the following Resolutions and Acts, to-wit :

An act to change the terms of the Superior Courts of Worth County.

An act to enlarge the powers of the City Council of Augusta.

An act to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

A Resolution fixing a day of adjournment.

A Resolution accepting the benefits of certain acts of the Congress of the United States, donating public lands for certain purposes therein mentioned.

Mr. Moore, Chairman of the Judiciary Committee, made the following report :

*Mr. President* :—The Judiciary Committee have had under consideration sundry bills, which were referred to them, and have directed me to report thereon, as follows :

A bill to be entitled an act for the prevention of vagrancy, which they recommend do not pass.

Also, a bill to be entitled an act for the discharge of insolvent debtors, to regulate the mode and manner thereof, and the disposition of said insolvent's property, and for other purposes, which they report back to the Senate without recommendation, and ask to be discharged from further consideration of it.

Also, a bill to be entitled an act to extend the Penal Code so as to include all persons of African descent, and to repeal all laws in relation to slaves, which they recommend do not pass, because the provisions of it are embraced in a bill heretofore reported by the joint Judiciary Committee.

Also, a bill to be entitled an act to establish the relations of husband and wife, parent and child, guardian and ward, and master and servant ; in relation to negroes, and to de-

fine the term "negro." The provisions of this bill have, heretofore, in substance, been reported in another, which effectually supercedes this, and therefore the Committee recommend that this bill do not pass.

Also, a bill to be entitled an act to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856, which they recommend be passed.

Also, a bill to be entitled an act supplemental to and explanatory of the 2462d section of the Code of Georgia, relating to the administration of unrepresented estates.

The Committee recommend that the 2nd section be amended by striking therefrom all after the word "provided," in the 8th line, and substituting therefor the following: "That in all cases the natural guardian of minors interested in the estate, shall have the right to take administration jointly with the person appointed, or alone, if no other person is selected. And in case no person can be found to take the administration, that then and in such case, the Ordinary may vest the administration in the Clerk;" and as thus amended, the Committee report in favor of the passage of the bill.

B. B. MOORE, Chairman.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c., to-wit:

An act to legalize marriages between first cousins, which have been contracted since 11th December, 1868.

Also, an act to appropriate money to repair and wind up the State House clock for the year 1866.

On motion the rules were suspended and the Senate took up the message of the House in reference to the amendment of the Senate to the bill of the House to allow the Ordinary of Polk County to keep the records and papers of his office at his residence until the building of a Court House for said County.

On motion the Senate receded from its amendment.

The Senate took up the message of the House in reference to the bill of the Senate for the relief of the people of Georgia, which the House of Representatives had passed, with the following amendments, to-wit:

To amend the first section by inserting in the fifth line after the word "the," the words "1st of June, 1865," and strike out the words "passage of this act." Also, to amend the second section by inserting after the word "where," in the 5th line, the words "plaintiff shall make oath that," and strike out the following words from the two last lines of said section "nor to distress war-

rants for rents when the rent is received in kind.' Also to amend the 5th section by inserting after the word "when-ever," the words "the security shall make oath that," and strike out from the 9th line the words "shall bring," and insert the words "has brought."

On motion the amendments of the House were severally concurred in.

The Senate took up the message of the House in reference to the bill of the Senate to incorporate the Blairsville Mining and Manufacturing Company, which the House of Representatives have passed, with the following amendments, to-wit:

That the 2nd section of said act be so amended as to read "The Capital Stock of said Company shall be fifty thousand dollars, with the privilege of increasing the same to eight hundred thousand dollars, as a majority of the board of directors may deem proper. That said Capital Stock shall be divided into such number of shares as the by-laws of said Company may prescribe, and that said Company shall not commence business until said capital stock shall have been subscribed in money, or property, and ten per cent of the same paid in. Also, the following as an additional section, to-wit:

Sec. — *Be it enacted*, That nothing herein contained shall be so construed as to prevent the Legislature from taxing the corporate property of said Company as other property of this State.

Also, to insert the words after the word "business" in the first section "But the principal office of said Company shall be in the town of Blairsville, in the County of Union."

Also, to insert after the word "substitute" the words "in money or property."

On motion the amendments of the House were severally concurred in.

The Senate took up the report of the Committee of the whole on the bill for the discharge of insolvent debtors, and the disposition of said insolvent's property.

On motion of Mr. Strozier the same was made the special order for Saturday next.

The Senate took up the report of the Committee of the whole on the bill to define the term "persons of color," and declare the rights and liabilities of such persons.

The Report of the Committee was agreed to, the bill was read the third time and passed.

Mr. Bedford moved to suspend the rules in order to take up the bill of the House to repeal all laws heretofore passed prohibiting the distillation of grain, which motion was lost.

The Senate took up the report of the Committee of the whole on the bill to repeal so much of the 276th section,



part 1st, title 5th, chapter 4th, of the Code of Georgia, as authorizes the Inferior Court of the different Counties in this State to consist of four Justices. To substitute one Justice in lieu thereof—to extend the jurisdiction in certain criminal cases, and to change and alter certain proceedings in said Court.

The Committee on the Judiciary, to whom this bill was referred reported adversely to its passage.

On motion the bill was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to organize a County Court for the several Counties in this State, and to define its powers and jurisdiction, for which the Committee on the Judiciary had reported a substitute.

On motion the same was made the special order for tomorrow.

The Senate took up the report of the Committee of the whole on the bill to amend an act entitled an act to vest that portion of land below the city of Macon known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

On motion the bill was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill for the relief of the Banking Institutions of this State, and stockholders, and to repeal certain sections of the Code of Georgia.

The Committee on Banks, to whom this bill was referred, propose to amend the same by striking out the 4th section, and substitute the following in lieu thereof, to-wit:

"Every holder of the bills of any Bank making such assignment, shall be entitled to his full share of the assets of such Banks, in proportion to the amount said billholder may have paid for the same, according to the priorities established by law, and said billholder shall not be allowed to proceed to judgment in any suit against the stockholders of such Banks only for the amount that may remain due and unpaid by and from the assets of said Banks, and then only for what is remaining due and unpaid," and with this amendment they recommend that it be passed.

On motion the bill was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to authorize the transfer of all civil cases now on the dockets of the Inferior Courts to the County Courts.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to define and fix the legal rights and liabilities of the people of African descent in this State.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to prevent the distillation of grain, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill for the prevention of vagrancy.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the whole on the bill to establish rules of evidence and of equity for carrying into effect as to unexecuted contracts, the provisions of an Ordinance passed by the late Convention of the people of Georgia, entitled "an Ordinance to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character."

The Committee on the Judiciary, to whom this bill was referred, reported the same back to the Senate without recommendation.

On motion the same was laid on the table for the present.

The Senate took up the report of the Committee of the whole on the bill to extend the Penal Code so as to include all persons of African descent, and repeal all laws in relation to slaves.

The Committee on the Judiciary, to whom this bill was referred, reported against its passage.

On motion the bill was laid on the table for the present.

The Senate took up the Report of the Committee on the bill to consolidate, enlarge, and amend the acts incorporating the city of Macon.

The Committee on the Judiciary, to whom this bill was referred, reported the following as a substitute, to-wit:

A bill to be entitled an act to amend the several acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city.

Section 1. *The General Assembly of the State of Georgia do enact*, That the Mayor and Council of the city of Macon shall have power and authority to levy and collect a tax upon all property, real and personal, within the limits of the city; upon Banking, Insurance, and other capital employed therein; upon bank and insurance agents; upon salaries and incomes derived from the property within the city; upon factors, brokers, and venders of lottery tickets; upon agents or managers of gift enterprises, and upon all other persons exercising within the city any profession, trade, calling, or business of any nature whatever. They shall have power also to levy and collect a capitation or poll tax upon each and every male inhabitant of the city between the ages of twenty-one and sixty years. *Provided*, That no tax upon real estate or stock in trade shall exceed one per cent. upon the value thereof.

Sec. 2. The said Mayor and Council shall have power to license auctioneers and vendue masters annually for the city, charging therefor such sum as they may deem proper, and to tax all goods sold on commission or at auction within the limits of the city.

Sec. 3. The said Mayor and Council shall have power to levy and collect a street tax upon each male inhabitant of the city between the ages of sixteen and forty-five years. *Provided*, That such tax shall not exceed the sum of five dollars for each person, and such person may satisfy the same by working ten days on the streets, under the direction of the Marshall or Overseer of Streets: and in case of failure or refusal so to work, or pay said tax, the Mayor and Council may enforce the same by execution, or by compulsory labor thereon, at their discretion.

Sec. 4. The said Mayor and Council shall have power and authority to control the markets and marketing within the city and regulate the same, fix the hours of sale therein, prohibit the sale of marketable commodities elsewhere within the city, and to pass all Ordinances necessary and proper to regulate the markets and marketing within the city.

Sec. 5. The said Mayor and Council shall have power to compel the owners or lessees of property in such parts of the city as they may select, to pave the side walks in their front in a durable and substantial manner. They may impose penalties for the neglect or refusal to pave the same,

and shall have power to enforce the collection of such penalties by execution as for city taxes; or they may cause such side walks to be paved at the expense of the city, and collect the amount thus expended from the owners or lessees of the property.

Sec. 6. The limits of the city of Macon are hereby extended so as to embrace the portion of land below the city known as the "Reserve," and the said Mayor and Council shall have full power and control over said Reserve and city common, and pass all ordinances necessary and proper for the draining and improvement of the portion unsold, and the preservation of the health of the city.

Sec. 7. The Mayor and Council may appoint a less number than nine persons, as now authorized by law, as a Board of Health, and such Board shall have all the powers heretofore granted to, and now exercised by the present Board.

Sec. 8. The Mayor and Council shall have power to continue the Mayor's Court, and the Mayor, or the acting Mayor, shall preside therein, and hold sessions daily or as often as may be necessary to clear the Guard House. He shall have cognizance of all offences against the Ordinances of the city, and may punish all violations of such Ordinances to the extent of a fine of one hundred dollars, and imprisonment for one month, or by compulsory labor on the public streets, or in the work house for the same term, or by confinement in public stocks; and the said Mayor and Council shall have full power and authority to pass all ordinances necessary and proper to carry into effect the powers herein granted, or by previous acts of the General Assembly.

Sec. 9. All Acts inconsistent with the foregoing provisions of this Act are hereby repealed.

The substitute was received in lieu of the original.

Mr. Strozier moved to amend the substitute by striking out the words from the 8th section, as follows, to-wit: "or by confinement in public stocks," which motion was lost.

Mr. J. A. W. Johnson moved further to amend the 6th section by striking out the words "and they may sell or lease any part thereof, from time to time, for the use of the city", which motion was agreed to.

The report of the committee as amended, was agreed to. the bill was read the third time and passed, under the following title, to-wit:

A bill to be entitled an act to amend the several acts incorporating the City of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the City.

The Senate took up the report of the committee of the whole, on the bill to establish the relations of husband and wife, master and servant, Guardian and ward, and to define the term negro.

The committee on the Judiciary, to whom this bill was referred, reported the same back to the Senate, with the recommendation that it do not pass.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to authorize the legal voters of Bartow county, to determine by ballot, the question of removal or no removal, of the county site of said county, and to repeal an act entitled an act, to submit the question of the removal of the county site of Cass county, to the legal voters of said county, and for other purposes therein specified, approved in 1857

The committee on the Judiciary to whom this bill was referred reported adversely to its passage.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to donate the Okefenokee Swamp lands, as a permanent endowment to the Georgia State Orphans Home.

The committee on the Judiciary to whom this bill was referred, reported adversely to its passage.

On motion the same was made the special order for Monday next.

The Senate took up the report of the committee of the whole, on the bill to repeal section 285, excepting the 5th clause thereof, and also, to repeal the first, second, and third clauses of section 287, of the first article, fifth title, fourth chapter of the Code of Georgia,

On motion the bill was laid on the table for the present.

The Senate took up the report of the committee of the whole, on the bill to define and regulate Court contracts, and prescribe the manner of enforcing the same in the County Courts.

On motion the same was laid on the table for the present,

The Senate took up the report of the committee of the whole, on the bill to authorize the Mayor and Council of Rome, Georgia, to issue change bills.

The committee on the Judiciary, to whom this bill was referred, reported adversely to its passage. \*

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to regulate the relation between master and servant, and to define their liabilities.

On motion the same was laid on the table for the present.

The Senate took up the report of the committee of the whole, on the bill of the House, to incorporate the Macon Canal and Water Works, to authorize the Mayor and Council of the City of Macon, to subscribe to the stock of said Company, to issue the bonds of said City to pay any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

The Committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

Mr. Gresham moved to amend by striking out all of the 5th section, after the words "city subscription", in the 12th line, and insert the following in lieu thereof:

Said bonds, with the interest thereon, to be paid from the general taxes and resources of the City, provided, that no bonds shall be issued or subscription made by the City, except by a vote of two-thirds of all the members of the City Council, confirmed by a vote of the legal voters of the City, at an election to be held for that purpose.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

Mr. Turner moved that the Senate adjourn until 10 o'clock to-morrow morning, which motion was lost.

Leave of absence was granted to the Senator from the 23d district, for a few days, after Friday next, on important business.

Also, to the Senator from the 17th district, for a few days from to-day, on important business.

The Senate adjourned.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

On motion the rules were suspended, and the Senate took

up the resolution of the House, in reference to the seizure of cotton in certain cases.

On motion the resolution was concurred in.

The Senate took up the report of the committee of the whole, on the bill to provide for the taking of the census of the State of Georgia, and for other purposes.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to repeal the 134th section of the Code of Georgia.

The committee on the Judiciary, to whom the bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill to repeal such parts of all laws as impose a personal liability on the stockholders of Banks in this State, for the payment of the debts or the redemption of the bills of such Banks.

The committee on the Judiciary to whom the bill was referred reported in favor of its passage.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole, on the bill for the relief of the people of this State, from the burden of taxes, for the present year, and to authorize His Excellency the Governor, to raise the sum of two millions of dollars for the support of the government of the State, for the year 1866, by the issue of State Bonds, and for other purposes.

The committee on Finance to whom this bill was referred, reported the same back to the Senate with the recommendation that it do not pass.

On motion the bill was postponed indefinitely.

The Senate took up the report of the committee of the whole, on the bill to establish a Court for the trial and punishment of minor offences.

The committee on the Judiciary to whom this bill was referred, reported adversely to its passage.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to give to the several Justices Courts of this State, jurisdiction in all cases sounding in damages, where the amount claimed does not exceed fifty dollars.

The committee on the Judiciary to whom this bill was referred reported against its passage.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to make valid private contracts entered into and executed, during the war against the United States, and to authorize the Courts in this State, to adjust the equities between the parties, to contracts made, but not executed, and to authorize settlements of such, by persons acting in a fiduciary character.

The committee on the Judiciary to whom this bill was referred, reported the following as a substitute, which they recommend in lieu of the original, to-wit :

A bill to be entitled an act to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

Sec. 1st, *The General Assembly of the State of Georgia do enact*, That all private contracts made and entered into during the war with the United States of America, and not in violation of the Constitution and laws of this State, or of the United States, shall be as valid and binding as if made and executed before hostilities commenced.

Sec. 2nd, *And be it further enacted*, That all contracts made between the 1st day of June, 1861, and the 1st day of June, 1865, whether expressed in writing or implied, or existing in parol, and not yet executed, shall receive an equitable construction. And either party in any suit for the enforcement of any such contract, may, upon a proper issue made, upon the trial thereof, give in evidence the consideration and the value thereof, at any time, and the understanding of the parties as to the currency in which payment was to be made, and the estimated value thereof, and its value as compared with specie in America and Europe, and with the staple productions of this State at the time the contract was made ; and the verdict and judgment rendered shall be on principles of equity ; *Provided*, that contracts executed within the time specified, and which were simply in renewal of original contracts made before the said 1st day of June, 1861, shall stand upon the footing of contracts made before the commencement of hostilities.

Sec. 3rd. *It is further enacted*, That Executors, Administrators, Guardians and Trustees shall have power to settle or compromise all claims or evidences of debt in their possession, created between the 1st day of June, 1861, and



the 1st of June, 1865, contracted with reference to payment in Confederate States of America Treasury Notes, or other currency of a depreciated value, and accept in satisfaction of said indebtedness the fair and reasonable value of such claims.

Sec. 4th. *And it is further enacted*, That all laws and parts of laws militating against the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately after its passage.

The substitute was received in lieu of the original.

Mr. Gresham moved to strike out the words "the war with the United States", and insert the words "the late civil war", which motion was lost.

Mr. Gresham moved further to amend by striking out the words "at any time", in the second section, which motion was agreed to.

Mr. Gibson moved to add the following to the end of the 1st section :

Provided, said contracts were not made and entered into to aid in said war, in which event said contracts are hereby declared void, and of no effect or force ; which was disagreed to.

Mr. Gibson moved to amend further the second section, by adding after the words "equitable construction", the following :

And no portion of the same enforced and collected except the real value of the article for which said contract was given or made, which was agreed to.

Mr. Gibson moved further to amend by adding after the word "evidence" in the second section, the words, "by his own oath, or otherwise".

On motion of Mr. O. P. Beall, the bill with the amendments, was laid on the table for the present.

The following bills were read the second time and referred to the committee on Internal Improvements, to-wit :

A bill to amend the charter of the Macon and Western Rail Road company.

A bill to incorporate the Metcalf Manufacturing company.

A bill accepting for the State of Georgia the donation by the United States, of certain lands to the several States and of territories, which may provide colleges for the benefit of Agriculture and the Mechanic arts, by acts of Congress, <sup>ap-</sup> whole, ed severally July 2d, 1862, and April 14th, 1864, and this State for purposes.

where th<sup>ll</sup> to incorporate the Madison Petroleum Company  
ria.

The following bill was read the second time and referred to the committee on new counties and county lines :

A bill to add lots of land Nos. 224, 225 and 226, in the 13th district of originally Lee, to the county of Terrell.

The following bills were read the second time, and severally referred to the committee on the Judiciary, to-wit :

A bill to amend the Penal Code.

A bill to extend and apply the provisions of the ordinance signed on the 8th November 1865, to make valid private contracts, &c., by the recent Convention, to wills.

A bill to change the place of holding the Justices Courts in and for the 260th district of Scriven county.

The following bill of the House of Representatives, was read the second time and referred to the committee on the Deaf and Dumb Asylum, to-wit :

A bill to repeal a repealing act entitled an act to repeal an act, and the acts of which it is amendatory, entitled an act to provide for the indigent deaf and dumb citizens of the State ; and also, to provide for the appointment of a commissioner, to regulate his duties, affix his salary, and appropriate money therefor, by increasing annual appropriation and for other purposes, approved January 13th, 1852, assented to December 15th, 1862.

The following bills of the House of Representatives were read the second time and severally referred to the committee on Finance, to-wit :

A bill to authorize the Inferior Court of Greene county, to levy and collect an extra tax for the purpose of building a bridge across the Oconee river, to repair bridges of said county, and for other purposes.

A bill to authorize the Justices of the Inferior Court of Terrell county, to levy and collect a tax for certain purposes.

A bill to authorize the Justices of the Inferior Court of Clarke county to raise money for certain purposes, by an extra tax or by the issue of bonds.

The following bills of the House of Representatives were read the second time, and severally referred to the committee on New Counties and County lines, to-wit :

A bill to change the line between the counties of Dooly and Pulaski, so as to include the residence of John Bembry, of the county of Dooly, within the limits of the county of Pulaski.

A bill to enable the Judges of the Superior and Inferior Courts of this State, to fill vacancies, by the appointment of Trustees, in certain cases.

A bill to change the line between the counties of Wilcox and Pulaski.

The following bills of the House of Representatives were read the second time, and severally referred to the committee on the Judiciary, to-wit :

A bill to regulate Court cost in certain cases.

A bill to authorize the Inferior Court of the county of Glynn to compel the hands subject to road duty in any one district in said county, to perform road duty in any other district in said county.

A bill to appropriate money to pay D. B. Sanford to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

A bill to allow parties time to make writs of certiorari in certain cases.

A bill to be entitled an act to authorize any Sheriff or Constable in any county in this State, to make arrests in any county in this State, without regard to the residence of the arresting officer.

A bill to be entitled an act to revise the Military Code of the State of Georgia, as published in the revised Code of Georgia, and to repeal all laws, passed since the adoption of said Military Code, inconsistent with its provisions, and for other purposes.

A bill to repeal section thirty-four hundred and seventy-eight, (3478) of the Code of Georgia.

A bill to amend part 2nd, title 3rd, chapter 2nd, article 4th, section 3rd, of the Code of Georgia.

A bill to change the county of Scriven from the 1st Congressional district, to the 5th Congressional district.

A bill to enable persons whose fences have been destroyed by the Federal forces, in the county of Effingham, to build stock enclosures, and to make the intrusion upon said inclosures, a misdemeanor, and for other purposes.

The following bills of the House of Representatives, were read the second time, and severally referred to the committee on Internal Improvements, to-wit :

A bill to incorporate the Southern Mining Company.

A bill to incorporate the Central Georgia Manufacturing Company.

A bill to repeal an act entitled an act to legalize the proceedings of the Southern Stockholders of the Brunswick and Florida Rail Road company ; to change the name of said company, and to amend the act of incorporation, to extend the charter thereof, and to facilitate the building of said road, approved the 16th December, 1861 ; to change the name of the Brunswick and Florida Rail Road company ; to revive the charter of said company, and extend the same ; and to confer upon the Brunswick and Albany Rail Road company, the rights, powers, privileges and immunities, which have been granted to the Macon and Brunswick Rail Road company.

A bill to make it penal for any officer, agent or other employee of any Rail Road company in this State, to charge for transporting freights or passengers above the rates allowed by their several charters.

A bill to incorporate the New Era Mining and Manufacturing Company.

A bill to incorporate the Muscogee Insurance and Industrial Association.

A bill to incorporate the Bucks Manufacturing Company, in the county of Schley.

On motion the Senate adjourned, until to-morrow morning at 9½ o'clock.

## THURSDAY, MARCH 1st. 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Quillian, of the Senate.

Mr. Brown moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to prevent the distillation of grain, and for other purposes.

The motion was agreed to.

On motion of Mr. Brown the rules were suspended, and the bill was taken up and referred to the committee on the Judiciary.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill to incorporate the Gate City Insurance Company.

A bill to alter and amend the 4435th section of the Penal Code of Georgia.

A bill to increase the fees of the Clerk of the Supreme Court, and regulating the fees of Ordinaries, Clerks, Sheriffs, and other county officers.

A bill for the relief of Milley Howard, former wife of Simon P. Howard, of Pierce county, Georgia.

A bill to authorize the Justices of the Peace in the 1082nd District, Georgia Militia, in the county of Ware, to hold their Justice Courts at Glenmore station, Number ten, (10) on the Savannah, Atlantic & Gulf Railroad, in said county.

A bill for the relief of Moses G. Collins, of the county of Whitfield.

A bill to incorporate the Franklin Mining & Manufacturing Company.

A bill to authorize the Inferior Court of Thomas county.

and of the county of Liberty, to levy a tax for certain purposes.

A bill to alter and amend the Charter of the town of Sparta, in the county of Hancock, so as to allow the Commissioners thereof to increase the license fee for the retail of spirituous liquors.

A bill to consolidate and amend the several acts incorporating the town of Bainbridge, in the county of Decatur, and to grant certain privileges to the same.

A bill to incorporate the Carroll Manufacturing Company.

They have adopted a substitute in lieu of the following bill of the Senate, in which they invite the concurrence of this branch of the General Assembly:

A bill to exempt from levy and sale certain property of every debtor in this State, and for other purposes.

They have also passed the following bills of the Senate:

A bill supplementary to an act to incorporate the North Georgia Mining & Manufacturing Company.

A bill to incorporate the Rome Gas Light Company.

They have passed the following bills of the Senate with amendments thereto, in which they ask the concurrence of this branch of the General Assembly.

A bill to incorporate the Hansell Manufacturing Company, of Campbell county.

A bill to incorporate Wahatchee Mining Company.

Mr. O. L. Smith, chairman of the committee on Education, made the following report:

*Mr. President:* The committee on Education to whom was referred a bill of the House to be entitled an act to provide for the payment of teachers of Poor Schools for the year 1865, having had the same under consideration, have directed me to report it back to the Senate with the recommendation that the bill do pass.

O. L. SMITH, Chairman.

On motion of Mr. Carter the rules were suspended, and the Senate took up the resolution of the House of Representatives authorizing the distribution or disposition of surplus books in the State Library, by the State Librarian, under the direction of His Excellency the Governor, and for other purposes.

On motion the resolution was concurred in, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate resumed the unfinished business of yesterday which was the consideration of the amendment of Mr. Gibson to the bill to make valid private contracts entered into and executed during the war against the United States, and

to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

On motion the amendment was agreed to.

On motion of Mr. Gresham the first section was amended by inserting after the words "United States" the words "and which have been executed."

Mr. Gresham moved further to amend the second section by striking out the words "in America and Europe," which motion was lost.

Mr. Gibson moved further to amend the same section by inserting before the words "on principles of equity" the following words to-wit: "for the true value and worth of the article, thing or services for which the contract was entered into and made, taking into consideration the then condition and state of the country," which motion was agreed to.

Mr. Gibson moved further to amend the same section by inserting after the words "on principles of equity" the words "and in no case shall a judgment or verdict be rendered for any portion of any contract payable on its face in Confederate currency or State Treasury notes, where the same has been tendered prior to the 17th day of April, 1865, or payment thereof refused or evaded by the creditor, *Provided*, the tender was made at or before the same became due and payable, or within three days thereafter."

Upon which motion the yeas and nays were required to be recorded, and were yeas 24, nays 9.

Those voting in the affirmative were Messrs :

Barwick, Beall, O. P., Black, Bower, Boynton, Brown, Casey, Crawford, Dickey, Ezzard, Gholston, Griffin, Johnson, J. A. W., Manson, McDaniel, Owens, Parris, Patterson, Redding, Russell, Smith, O. L., Strickland, Thornton, Wilcox.

Those voting in the negative were Messrs :

Butler, Carter, England, Fuller, Gresham, Kenan, Simmons, Strozier, Turner.

Yeas 24, nays 9.

So the motion prevailed.

Mr. Bower moved further to amend the same section by inserting after the words "principles of equity" the words following to-wit: "applied alike to the contract and partial payments," which motion was disagreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed, under the following title, to-wit :

A bill to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

On motion the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Judiciary Committee through their chairman, Mr. Moore, made the following report :

*Mr. President:* The Judiciary Committee to whom certain bills were referred have considered them, and direct me to report thereon as follows :

A bill to be entitled an act to amend section 3478 of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to allow time to make out writs of *Certiorari* in certain cases, which they recommend do pass.

Also a bill to be entitled an act to authorize the Inferior Court of the county of Glynn to compel hands subject to road duty in any one district in said county to perform road duty in any other district in said county, which they recommend do pass.

Also, a bill to be entitled an act to enable persons whose fences have been destroyed by the Federal forces in the county of Effingham to build stock enclosures, and to make the intrusion upon said enclosures a misdemeanor, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to appropriate money to pay D. B. Sanford to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased, which they recommend do pass.

Also, a bill to be entitled an act to amend the Penal Code, which they recommend do pass.

Also, a bill to be entitled an act to regulate Court costs in certain cases, which they recommend do pass.

Also, a bill to be entitled an act to amend part 2nd, title 3rd, chapter 2nd, article 4th, section 3rd, of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to change the county of Scriven from the First Congressional District to the Fifth Congressional District, which they recommend do pass.

Also, a bill to be entitled an act to revive the Military Code of the State of Georgia as published in the Revised

Code of Georgia, and to repeal all laws passed since the adoption of said Military Code inconsistent with its provisions, and for other purposes, which they return to the Senate with the recommendation that it be referred for consideration to the committee on Military affairs. And

A bill to be entitled an act to change the place of holding the Justices Court in and for the 260th District of Scriven county, which they recommend do not pass.

B. B. MOORE, Chairman.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives the following acts, to-wit :

An act supplementary to an act to incorporate the North Georgia Mining & Manufacturing Company.

An act to incorporate the Blairsville Mining and Manufacturing Company.

An act to incorporate the Rome Gas Light Company.

An act for the relief of the people of Georgia, and to prevent the levy and sale of property under certain circumstances, and within a limited period.

The following message was received from His Excellency the Governor by Mr. Hunter, his Secretary :

*Mr. President :* I am directed by the Governor to deliver to the Senate a communication in writing, with accompanying documents.

Mr. Dickey, chairman *pro tem* of the committee on Finance, submitted the following report :

*Mr. President :* The committee on Finance have had under consideration the following bills of the House, to-wit :

A bill to be entitled an act to authorize the Justices of the Inferior Court of Terrell county to levy and collect a tax for certain purposes, which they recommend do pass.

Also, a bill to be entitled an act to authorize the Inferior Court of Green county to levy an extra tax for the purpose of building a bridge across the Oconee river; to repair bridges of said county, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to authorize the Justices of the Inferior Court of Clark county to raise money for certain purposes, by an extra tax, or by the issue of bonds, which they recommend do pass.

Mr. Brown, chairman of the committee on new counties and county lines, reported that the committee have had under consideration a bill to add the 145th and 149th Districts Georgia Militia, now Green county, to the county of Morgan, and recommend that, as the representatives and the



citizens of Green county generally, and a portion of the citizens of that part of Green proposed to be added to Morgan object to its passage, that it do not pass.

Mr. J. A. W. Johnson moved to suspend the rules in order to take up bills of the House of Representatives for a third reading, which motion was lost.

The Senate took up the special order which was the consideration of the report of the committee of the whole on the bill to organize a County Court for the several counties in this State, and to define its jurisdiction, and for other purposes, to which the committee on the Judiciary had reported a substitute.

On motion the substitute was received in lieu of the original.

Mr. Strozier moved to fill the blank in the second section by the words "first Monday in April."

Mr. Gresham moved to fill the blank with the words "second Monday in April."

Mr. J. A. W. Johnson moved to fill up the blank with the words "first Wednesday in May," which was agreed to.

Mr. Bower moved to amend by inserting the words at the end of the second section "and no other oath," which was agreed to.

Mr. Strozier moved to amend the first line of the third section as follows: "the Judge shall receive the sum of five hundred dollars."

Mr. Daley moved to amend the section so that the Judge should receive the sum of two hundred dollars.

Mr. J. A. W. Johnson moved the previous question which was agreed to, and the main question was ordered to be put.

The amendment of Mr. Strozier was disagreed to.

Mr. Daley moved to amend the 4th section by striking out the word "Ordinary," which was agreed to.

Mr. Carter moved to amend the 4th section by striking out the word "County" and insert "Court," also to strike out the word "but" and insert the word "and," which motion was lost.

Mr. Strozier moved to strike out from the same section the words "Superior or," which was agreed to.

Mr. Strozier moved further to amend by inserting after the word "officer" in the 5th section the words "and when master and servant are parties," which was disagreed to.

Mr. Strozier moved to strike out all that portion in section 4th, title Jurisdiction, relative to legitimatizing persons, which motion was lost.

Mr. Bower moved to amend the 9th section, in the title Jurisdiction, by striking out the words "with the Clerk," which was agreed to.

Mr. J. A. W. Johnson moved to amend the 11th section of the same title by adding the words "cause to be summoned," which was agreed to.

Mr. Strozier moved to amend the 12th section of the same title after the word "cases" by inserting the words "master and servants."

Mr. Gresham moved to amend the amendment by inserting after the word "cases" the words "at the monthly sessions," which was agreed to.

The amendment as amended was agreed to.

Mr. Strozier moved to strike out the word "twenty" and insert the word "fifteen" in the 17th section, which was agreed to.

Mr. Strozier moved to amend the 19th section by striking out the word "first" and insert "second," which motion was agreed to.

Mr. Strozier moved to amend the 22nd section by striking out the last two lines, which motion was lost.

Mr. Strozier moved further to amend by striking out the words "Solicitors or Attorney General of the Circuit" in the 32nd section and insert the words "County Solicitor," which motion was lost.

Mr. Gresham moved to amend the same section by adding the following, to-wit: "for which he shall have the same fees as allowed on bills found in the Superior Court."

The amendment was agreed to.

Mr. Strozier offered the following as a substitute for the 33rd section, to-wit:

"It shall be the duty of the Solicitor or Attorney General to attend the monthly and semi-annual sessions of the County Court either in person or by a representative residing in the county, duly appointed by him."

The amendment was disagreed to.

Mr. Daley moved to amend the same by striking out the words "and after his election shall reside in the county," which motion was lost.

Mr. Simmons moved to amend the same section by striking out the words "at least three years preceding his election," which was agreed to.

Mr. Strozier moved to strike out the concluding paragraph of the 34th section, which motion was lost.

Mr. Strozier moved to strike out that portion of the section which made notice served upon the master operate as a garnishment, which was lost.

Mr. Thornton moved to insert the word "written" before "notice" in the same section, which was agreed to.

Mr. Gresham moved to strike out in the 37th section words "for at least 5 years," which was agreed to.

Mr. Carter moved to strike out from the first of said section the words "in the following counties, viz." and insert the words "in all the counties of this State," which motion was disagreed to.

Mr. O. P. Beall moved to strike out the entire section, which motion was lost.

On motion the following named counties were inserted in the blank of the 37th section, to-wit: Chatham, Muscogee and Bibb.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

Leave of absence was granted to the Senator from the 14th District for a few days on account of sickness in his family.

On motion the Senate adjourned until to-morrow morning, at 9½ o'clock.

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FRIDAY, MARCH 2ND, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Anthony, of Sandersville.

On motion of Mr. Redding, the rules were suspended, and the following Message of His Excellency, the Governor, was taken up and read, as follows:

EXECUTIVE DEPARTMENT, }  
Milledgeville, March 1st, 1866. }

*To the Senate:*

I herewith transmit reports from the Mechanics Bank, and the Bank of the Empire State, received since my last communication on this subject, in response to a call from the General Assembly, originating in your body.

I have also received a copy of proceedings had by a meeting of the stockholders of the Bank of the Empire State, setting forth the causes which have produced the insolvency of the institution, and providing for an assignment of the corporate property, and for a future meeting of the stockholders, to consider the expediency of surrendering the charter. Also proceedings of a meeting of the stockholders of the Mechanics Bank, ratifying and confirming the proceedings of a previous informal meeting, (heretofore communicated,) and surrendering their charter. These documents are of file in this office, and copies will be communicated, if desired.

CHARLES J. JENKINS,  
Governor.

On motion, the same was laid on the table for the present.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bills:

A bill to incorporate the Gordon Mining and Manufacturing Co.

A bill to confer upon the Justices Courts of the State of Georgia criminal jurisdiction in all cases of larceny, when the amount of the theft is not over twenty dollars, and to prescribe punishment for the same.

A bill to incorporate the Eagle and Phoenix Manufacturing Co. of Columbus, Ga.

A bill to incorporate the Southern Savings Bank and Commercial Association, by a constitutional majority of ayes 116, nays 17.

A bill to alter and amend the 1629th Section of the Code, to strike out the 3rd provision of said Section, and to add additional provisions thereto, and to repeal Sections 1630 and 1631 of the Code.

A bill to incorporate the American Insurance and Industrial Agency.

They have also passed the following bill of the Senate:

A bill to amend an act entitled an act to incorporate the Oglethorpe Insurance Co. of Savannah, assented to November 24th, 1863, and for other purposes.

They have rejected the following bill of the Senate:

A bill to add lots number 33, 34, 35 and 40, in the 18th District and 3rd Section, now Bartow county, to the county of Paulding.

They have passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to require certain criminal prosecutions to be not pros'd.

A bill to incorporate the Savannah Steamboat Co. with powers of Insurance.

A bill to incorporate the Oostanaula Steamboat Co. with powers of Insurance.

They have also concurred in the amendment of the Senate to the following bill of the House of Representatives:

A bill to incorporate the Macon Canal and Water Works, to authorize the Mayor and Council of the city of Macon to subscribe to the stock of said Company, to issue the bonds of said city to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

They have passed by a constitutional vote of 92 ayes to 45 nays, the following bill :

A bill to establish the Southern Bank of America.

On motion of Mr. McDaniel, the Senate suspended the rules, and took up the reconsidered bill to amend the laws of this State regulating the retail of spirituous liquors.

Mr. Carter moved to strike out the words "one hundred dollars" in the 1st Section, and insert the words "twenty-five dollars."

Mr. Bower moved to strike out and insert the words "seventy-five dollars."

Mr. Turner moved to strike out and insert the words "fifty dollars."

On motion of Mr. Redding, the question was divided, and the Senate refused to strike out.

Mr. Gresham moved to strike out the words in the 3rd Section "one gallon" and insert the words "one quart," which was agreed to.

Mr. Strozier moved to amend the 3rd Section by adding the following, to-wit:

"That the Inferior Court of the different counties may grant licenses to retail ardent spirits upon such terms as they may think proper."

The amendment was disagreed to.

Mr. Gresham moved to lay the bill on the table for the balance of the session, whereupon the yeas and nays were required to be recorded, and are yeas 13, nays 23.

Those voting in the affirmative are Messrs:

Barwick, O. P. Beall, Carter, Crawford, Daley, England, Ezzard, Gresham, J. F. Johnson, Patterson, Russell, Simmons, Strozier.

Those voting in the negative are Messrs:

W. R. Beall, Black, Bower, Boynton, Brown, Butler, Casey, Dickey, Gholston, Griffin, J. A. W. Johnson, Kenan, Manson, McDaniel, Moore, Owens, Parris, Redding, O. L. Smith, Strickland, Thornton, Turner, Wilcox.

So the motion was lost.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to regulate Court contracts, and prescribe the manner of enforcing the same in the County Courts.

Mr. Moore moved to strike out the words in the 1st Section "in the handwriting of an attesting witness," which motion was agreed to.

Mr. Gresham moved to amend the 2nd Section by adding the following words after the word "parties," to-wit: "specified in writing," which motion was lost.

Mr. Strozier moved to postpone the bill indefinitely, which motion was lost.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and Clerk thereof, the following act and resolutions :

An act to allow the Ordinary of Polk county to keep the records and papers of his office at his residence, till the building of a Court House for said county.

Also a resolution requesting the Governor to memorialize the Secretary of the Treasury in regard to the seizure of cotton in certain cases.

Also a resolution authorizing the distribution or disposition of surplus books in the State Library, by the State Librarian, under direction of the Governor, and for other purposes.

Mr. Brown, Chairman of the Committee on New Counties and County Lines, reported that the Committee have had under consideration the following bills, and recommend that the same do pass :

A bill to change the line between the counties of Dooly and Pulaski, so as to include the residence of John Bemby, of the county of Dooly, within the limits of the county of Pulaski.

A bill to add lots of land Nos. 224, 225 and 256, in the 13th District of originally Lee, to the county of Terrell.

A bill to change the line between the counties of Wilcox and Pulaski.

Mr. Owens, from the Committee on Internal Improvements, made the following report :

*Mr. President* :—The Committee on Internal Improvements have considered several bills, and have instructed me to make the following report :

“A bill to be entitled an act to amend the charter of the Macon and Western Rail Road Company,” which they recommend do pass.

Also “a bill to be entitled an act to incorporate the Madison Petroleum Company of Georgia,” which they propose to amend by striking out from the 2nd line of the 2nd Section the words “to such an amount as may be necessary to carry out the objects of said corporation,” and insert “two hundred and fifty thousand dollars” in lieu thereof, and by inserting in the 3rd line of the 6th Section after the word “valuation” the words “to be agreed on with the parties through whose land the same may pass,” and by striking

out from the 4th line of the 6th Section the words "and to charge freight and toll on all roads constructed by them," and by adding another Section thereto, and with these amendments they recommend its passage.

Also "a bill to be entitled an act to incorporate the Bucks Manufacturing Company in the county of Schley," which they propose to amend by adding at the close of the 3rd Section the words "and shall not exceed five hundred thousand dollars," and with this amendment they recommend its passage.

Also "a bill to be entitled an act to incorporate the Southern Mining Company," which they propose to amend by striking out the 10th Section thereof, and by changing the word "fifty" in the 11th Section to "thirty," and by adding to the 1st Section the words "and shall have their principal place of business at Rome or Atlanta in this State," and with these amendments they recommend its passage.

Also "a bill to be entitled an act to incorporate the Muscogee Insurance and Industrial Association," which they propose to amend by adding at the close of the 1st Section the words "and said Association shall have their principal place of business at Savannah," and with this amendment they recommend its passage.

Also "a bill to be entitled an act to incorporate the New Era Mining and Manufacturing Company," by striking out the 12th Section thereof, and with this amendment they recommend its passage.

Also "a bill to be entitled an act to make it penal for any officers, agents or other employees," &c., which they recommend do not pass.

Also "a bill to be entitled an act to incorporate the Central Georgia Manufacturing Company," which they propose to amend by adding at the close of the 1st Section the following words "which place of business, when agreed on, shall be advertised in one of the public gazettes of this State for three months," and with this amendment they recommend its passage.

Respectfully submitted.

GEO. S. OWENS,  
Chairman.

On motion, the rules were suspended, and the Senate took up the report of the Committee of the Whole on the bill of the House to revive the Military Code of the State of Georgia, as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code inconsistent with its provisions, and for other purposes.

On motion, the same was referred to the Committee on Military affairs.

The rules being further suspended, the Senate took up the report of the Committee of the Whole on the bill of the House to enable the Judges of the Superior and Inferior Courts of this State to fill vacancies by the appointment of trustees in certain cases.

On motion, the same was referred to the Committee on the Judiciary.

The Senate took up the report of the Committee of the Whole on the bill to define and fix the legal rights and liabilities of the people of African descent in this State.

On motion, the same was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the Whole on the bill to regulate the relation between master and servant, and to define their liabilities.

On motion, the same was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on the bill to authorize the transfer of all civil cases now on the dockets of the Inferior Courts to the County Courts.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to repeal Section 285, excepting the 5th clause thereof; and also to repeal the 1st, 2nd and 3rd clauses of Section 287 of the 1st Article, 5th Title, 4th Chapter of the Code of Georgia.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to incorporate the Madison Petroleum Co. of Georgia.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend the same by striking out from the 2nd line of the 2nd Section the words "such an amount as may be necessary to carry out the objects of said corporation," and insert the words "two hundred and fifty thousand dollars;" also to insert in the 3rd line of the 6th Section after the word "valuation" the words "to be agreed on with the parties through whose land the same may pass," and further to amend by striking out from the 4th line of the 6th Section the words "and to charge freight and toll on all roads constructed by them," and by adding the following as an additional Section thereto, to-wit:

Sec. 9th. *Be it further enacted*, That the principal place of business of said Company shall be at Madison, Ga.

And with these amendments, they recommend its passage.



The amendments of the Committee were agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the reconsidered bill of the House of Representatives to repeal all laws heretofore passed by the General Assembly of the State of Georgia, prohibiting the distillation of corn, wheat, potatoes, peas, rye, &c., into spirituous liquors.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to amend the Charter of the Macon and Western Rail Road Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of the passage of the bill.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill to add the 145th and 149th Districts, Georgia Militia, now Greene county, to the county of Morgan.

The Committee on New Counties, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill to add lots of land Nos. 224, 225 and 256, in the 13th District of originally Lee, to the county of Terrell.

The Committee on New Counties, to whom this bill was referred, reported in favor of its passage.

On motion, the bill was laid on the table for the present.

The Senate took up the report of the Committee of the Whole on the bill to change the place of holding the Justices Court in and for the 260th District of Screven county.

The Committee on the Judiciary, to whom this bill was referred, reported the same back to the Senate, with the recommendation that it do not pass.

The report was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill to amend the Penal Code.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

Mr. Owens, from the Committee on Internal Improvements, to whom was referred the "bill to incorporate the Metcalf Manufacturing Company," reported the same back with the recommendation that it do pass.

The Senate took up the report of the Committee of the Whole on the bill to incorporate the Metcalf Manufacturing Company.

The Committee on Internal Improvements, to whom the bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the rules were suspended, and the following bills were introduced and read the first time, to-wit:

By Mr. Keran, a bill to alter and amend Chapter 4th of Code of Georgia.

By Mr. Parris, a bill to incorporate the Trenton and Look-out Manufacturing and Mining Company.

By Mr. Moore, a bill to extend the corporate limits of the town of Thomasville.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bill:

A bill to incorporate the Oostanaula Steamboat Company with powers of Insurance.

Also, by a constitutional vote of 120 ayes to 5 noes, the following bill:

A bill to amend an act entitled an act to amend an act to incorporate the Central Rail Road and Canal Company of Georgia, to alter and change the name of said Company, and to give the said Company banking powers and privileges, and for other purposes therein named.

They have also adopted the following resolution, which I am directed to transmit forthwith to this branch of the General Assembly:

Resolution requiring the Superintendent of the Western and Atlantic Rail Road to report to the next General Assembly the amount of Rail Road iron in its possession, formerly belonging to the Brunswick and Florida Rail Road Company.

Resolution appointing a joint Committee of sixteen to digest and report a Common School System to the next session of the General Assembly, and for other purposes.

The Committee on the part of the House are Messrs. Ridley, Pottle, Baker, Kibbee, Edge, Stewart, Stapleton, Phillips, Dodson and Woods of Floyd.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate the Gate City Gas Light Company.

The report of the Committee as amended was agreed to.

On motion, the bill was recommitted, and Mr. J. F. Johnson offered the following proviso at the end of the 1st Section, to-wit:

*Provided*, That the said corporators shall not sell or transfer said charter, and if the work authorized by the act of the incorporation is not actually commenced in good faith by the next session of the General Assembly, the said charter shall be of no effect, unless further extended by the next General Assembly.

Mr. Thornton moved to lay the bill on the table for the balance of the session, which motion was agreed to.

The Senate took up the report of the Committee of the Whole on the bill of the House, supplemental to and explanatory of the 2462nd Section of the Code of Georgia, relating to the administration of unrepresented estates.

The Committee on the Judiciary, to whom the bill was referred, recommend the passage of the same with the following amendments, to-wit:

By striking out in the 2nd Section all after the word "provided" in the 8th line, and substituting in lieu thereof the following, "that in all cases the natural guardian of minors interested in this estate shall have the right to take administration jointly with the person appointed, or alone, if no other person is related, and in case no person can be found to take the administration, that then and in such case, the Ordinary may vest the administration in the Clerk.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

Mr. Parris moved to amend by striking out the words "or condemnation" in the 10th Section, and also to strike out the 17th Section, which motion was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Dawson Manufacturing Company.

The Committee on Internal Improvements, to whom the bill was referred, propose to amend the same by striking out the words "and shall enjoy perpetual succession of officers and members" in the 17th and 18th lines of the 1st Section, and by adding the following as an additional Section, to-wit:

*Be it further enacted*, That the principal place of business of said Company shall be at Dawson, Ga.

And with these amendments, they recommend that it do pass.

The amendments of the Committee were agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the Justices of the Inferior Court Court of Terrell county to levy and collect a tax for certain purposes.

The Finance Committee, to whom the bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

On motion, the Senate adjourned until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the Whole on the bill of the House to incorporate the Georgia and Alabama Petroleum and Mining Company.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend the same by adding the following as an additional Section, to wit:

*Be it enacted*, That the principal place of business of said Company shall be at Atlanta.

And with this amendment, they recommend its passage.

The amendment of the Committee was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

On motion, the rules were suspended, and Mr. Owens introduced a bill to establish a permanent Board of Education for the city of Savannah, and to incorporate the same, and for other purposes, which was read the first time.

The Senate took up the report of the Committee of the Whole on the bill of the House to authorize the Inferior Court of Greene county to levy an extra tax for the purpose of building a bridge across the Oconee river, and to repair bridges of said county, and for other purposes.

The Finance Committee, to whom the bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Atlanta Canal and Water Works Company.

The committee on the Judiciary, to whom the bill was referred, proposed to amend the same by striking out the words "fee simple of" in the 6th section, and inserting the

words "right of way over the"; and also, the words "during the existence of said company", so as to make the section read as follows, to-wit:

Shall vest in the company the right of way over the land in question, during the existence of said company.

The amendments were agreed to.

Mr. Strozier moved to strike out all that part which allows the amount of damages to be determined by arbitrators, and to substitute in lieu thereof the words "that the damages be such as may be agreed upon by the parties", which motion was lost.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to regulate Court costs in certain cases.

The committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Bucks Manufacturing Company, in the county of Schley.

The committee on Internal Improvements, to whom this bill was referred, propose to amend the 3rd section, by adding the words, "and shall not exceed five hundred thousand dollars", and with this amendment they recommend that the same do pass.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to provide for the payment of teachers of poor schools, for the year 1865.

The committee on Education to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up, as the report of the committee of the whole, the bill of the House of Representatives, to make valid certain acts of the Justices of the Inferior Court of Polk county.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to ratify certain acts of Executors, Administrators, Trustees and Guardians, and of Judicial and Ministerial officers, and for other purposes therein mentioned.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

Mr. Gresham moved to amend, by striking out in the 1st section, the words, "and under color of", before the word law.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to amend part 2nd, title 3rd, chapter 2nd, article 4th, section 3rd, of the Code of Georgia.

The committee on the Judiciary, to whom the bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

Leave of absence was granted to the Senator from the 5th district, for a few days, on account of indisposition.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, for the relief of certain Physicians in this State.

The Judiciary committee to whom this bill was referred, propose to amend by striking out all of the 1st section from the word "college", in the 6th line from the bottom, and insert in lieu thereof, the words "or those who have heretofore practised under a license", and with this amendment, they recommend its passage.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to repeal section 3478 of the Code of Georgia.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole, the bill of the House of Representatives, to incorporate a town to be called Vernonburg.

The committee on Internal Improvements, to whom this bill was referred, recommended that the same do pass.

The report was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and the Speaker of the House of Representatives, the following :

An act to amend an act entitled an act to incorporate the Oglethorpe Insurance company, of Savannah, assented to November 24th, 1863, and for other purposes.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to alter and amend the several acts incorporating the city of Atlanta, in Fulton county.

The committee on the Judiciary, to whom this bill was referred, propose to amend by striking out the second section ; also, to amend the 4th section by striking out all after the word " authority " in the fifth line, to the word " to " in the 10th line, and the words " change bills and " in the 13th and 14th lines ; also, to strike out the Proviso, and with these amendments they recommend its passage.

The amendments of the committee were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to enable persons whose fences have been destroyed by the Federal forces, in the county of Effingham, to build stock enclosures, and to make the intrusion upon said enclosures, a misdemeanor, and for other purposes.

The committee on the Judiciary to whom this bill was referred, reported the same back to the Senate, with the recommendation that it do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to authorize the Inferior Court of the county of Glynn, to compel the hands subject to road duty in any one district in said county, to perform road duty in any other district in said county.

The committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Dalton Petroleum and Mining Company.

The committee on Internal Improvements, to whom this bill was referred, propose to amend by adding the following as an additional section, to-wit :

Be it enacted, That the principal place of business of said corporation, shall be at Dalton, Georgia, and with this amendment, they recommend the passage of the same.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to change the line between the counties of Wilcox and Pulaski.

The committee on New Counties and County Lines, to whom the bill was referred, recommended that the same do pass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to change the line between the counties of Baker and Early.

The committee on New Counties and County Lines, to whom the bill was referred, reported adversely to its passage.

The report was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the New Era Mining and Manufacturing Company.

The committee on Internal Improvements, who have had this bill under consideration, propose to amend the same by striking out the 12th section thereof, and with this amendment, they recommend its passage.

The amendment of the committee was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to change the line between the counties of Dooly and Pulaski, so as to include the residence of John Bemby, of the county of Dooly, within the limits of the county of Pulaski.

The committee on New Counties, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.



The Senate took up the report of the committee of the whole, on the bill of the House of Representatives to alter and amend the charter of the city of Columbus.

The committee on Internal Improvements, to whom this bill was referred, propose to amend the same by striking out all that part of section second, after the word "jurisdiction", in the second line, down to the word "also" in the 7th line, and by inserting at the end of the third section the words "except those bringing live stock for sale", and with these amendments, they recommend that the bill do pass.

The amendments of the committee were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to make it penal for any officer, agent or other employee of any Rail Road company in the State, to charge for transporting freight or passengers, above rates allowed by their several charters.

The committee on Internal Improvements, to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Central Georgia Manufacturing Company.

The committee on Internal Improvements, to whom this bill was referred, propose to amend, by adding at the close of the 1st section, the words "which place of business when agreed on, shall be advertised in one of the public gazettes of this State for three months", and with this amendment, they recommend that the bill do pass.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House, to appropriate money to pay D. B. Sanford, to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

The committee on the Judiciary, to whom this bill was referred, reported the same back to the Senate, with the recommendation that it be passed.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the rules were suspended, and the Senate took up the Message from the House of Representatives, in ref-

erence to the bill of the Senate, to incorporate Wahatchee Mining Company, which the House of Representatives have passed, with the following additional section, to-wit :

*Be it further enacted*, That the individual property, of each stockholder, to the amount they have respectively subscribed, and not paid in, shall be liable for the debts of said company.

Also, to amend the second line of the second section, so as to read " fifty thousand", instead of "one hundred thousand".

Also, to amend the 8th section, after the words " paid in", by inserting the words " in money or property".

On motion the amendments of the House were severally concurred in.

The rules being suspended; the Senate took up the message from the House of Representatives, in reference to the bill to incorporate the Savannah Steamboat Company, with powers of insurance, which the House of Representatives had passed, with the following amendment, to-wit :

*Be it further enacted*, That the said Company shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable to the extent of double the amount of their respective stocks, for the debts of the company, in proportion to the number of slaves held by each.

On motion of Mr. Owens, the amendment was amended by striking out the words " of double the amount".

The amendment as amended was concurred in.

The rules being further suspended, the Senate took up the message of the House of Representatives, to the bill, requiring certain criminal prosecutions to be *Nol Pros'd*, and which the House of Representatives had passed, with the following amendments, to-wit :

To strike out the word " required" in the 1st section, and insert in lieu thereof the words " authorized, the presiding Judge consenting thereto". Also, to strike out the words, " crime, short of homicide committed", and insert the words " offence committed under the orders of a Superior officer authorized to give such order".

On motion the amendments of the House were concurred in.

The rules being suspended, the Senate took up the message of the House, relative to the bill to incorporate the Oostanaula Steamboat company, with powers of Insurance, which the House of Representatives have passed, with the following additional section, to-wit :

Section *Be it further enacted,* That each stockholder in said corporation shall be held jointly and severally liable for the debts of said incorporation.

On motion the amendment of the House was concurred in.

The rules being suspended, the Senate took up the message of the House, to the bill of the Senate, to exempt from levy and sale certain property of every debtor in this State, and for other purposes, which the House of Representatives had passed by the following substitute, to-wit :

A bill to be entitled an act to exempt certain property from levy and sale in this State, and for other purposes.

Sec. 1. The General Assembly of the State of Georgia do enact, That the following property of every debtor, who is the head of a family, (in addition to the property now exempt by law,) shall be exempt from levy and sale, by virtue of any process whatever, under the laws of this State. Nor shall any lien be created thereon, except in manner as hereinafter pointed out, but shall remain for the use and benefit of the family of the debtor.

1st. Fifty acres of land and five additional acres, for each of his or her children under the age of sixteen years; this land, together with that now exempt by law, shall include the dwelling house, if the value of such dwelling house and improvements (in addition to the amount now allowed by law, for a dwelling house and improvements,) does not exceed the sum of five hundred dollars; *Provided*, that none of the above land be within the limits of a city, town or village, and does not include any cotton, or wool factory, saw, or grist mill, or any other machinery propelled by water or steam, the value of which exceeds the sum of three hundred dollars, in addition to the amount now allowed by law for that purpose; *And provided further*, That such land shall not derive its chief-value from any other cause than its adaption to agricultural purposes; in lieu of the above, land, real estate, in a city, town or village, not exceeding one thousand dollars in value, in addition to the amount now allowed by law.

2nd. One farm horse.

3rd. One cow and calf.

4th. Five head of hogs and fifty dollars worth of provisions.

5th. One wagon or cart.

6th. Ten head of sheep.

Sec. 2. *Be it further enacted*, That nothing in this act shall be so construed as to prevent the property, hereinbefore set forth, from being levied upon, and sold for the purchase money, due for the same.

On motion the bill and substitute of the House, were referred to the committee on the Judiciary.

The rules being further suspended, the Senate took up the message of the House of Representatives, in reference to the bill to incorporate the Hansell Manufacturing company of Campbell county, which the House of Representatives had passed with the following amendments, to-wit:

By adding the following: "Nothing herein contained shall be so construed as to prevent the State from taxing said corporate property as other property of this State". Also, to insert at the end of the 1st section the words, "and shall keep its principal office of business in the city of Marietta, in the county of Cobb".

On motion the amendments of the House were concurred in.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to alter and amend an act entitled an act to extend and define the corporate limits of the town of Newnan in the county of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers, and for other purposes therein named.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate adjourned.

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SATURDAY, MARCH 3RD, 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Mr. Quillian of the Senate.

Mr. Ezzard moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to provide for the payment of teachers of poor schools for the year 1865, which motion was agreed to.

Mr. Turner moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives, to make it penal for any officer, agent, or other employee of any Rail Road Company in this State to charge for transporting freight or passengers above rates allowed by their several charters, which motion was agreed to.

On motion of Mr. O. L. Smith the same was referred to the Committee on the Judiciary.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills:

A bill to repeal so much of the 1655th section of the

Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity.

A bill to repeal an act entitled an act to point out the mode of paying the fees of the Solicitor General of the Eastern Judicial District of Georgia, in Chatham County, in certain cases, and for other purposes therein enumerated.

A bill to compensate Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull, and Samuel Barnett, Commissioners.

A bill for the relief Administrators, Executors, Guardians, and Trustees, and for other purposes.

A bill to alter the Rules of Evidence in certain cases.

A bill to alter and amend section 1307 of the 3rd article of the Code of Georgia.

A bill to increase the pay of the Compiler, and provide for the early distribution of the Laws.

A bill to fix the amount of compensation the members and officers of the General Assembly shall receive for their services, until otherwise altered by law.

A bill to repeal all laws making it penal for the people of this State to receive and circulate United States' currency.

A bill for the relief of maimed indigent soldiers, who belonged to military organizations of this State, in the State or Confederate States' armies.

A bill to amend an act, assented to December 12th, 1863, amendatory of section 2480 of the revised Code of Georgia.

A bill to repeal an act entitled "an act to allow the Ordinaries of this State to charge and receive certain fees," assented to December 14th, 1863, and to authorize them to charge and receive certain fees in addition to those specified in the Code.

A bill to alter and amend part 2nd, title 6th, chapter 2nd, section 2416 of the Code of Georgia.

A bill to allow Executors to resign their trusts.

A bill to remit the taxes due from tax payers for the years 1864 and 1865, and for other purposes.

They have also passed, by a Constitutional vote of 93 ayes to 28 noes, the following bill :

A bill to incorporate the Savings Bank of Savannah.

They have passed the following bills of the Senate:

A bill to amend the three thousand eight hundred and sixty-sixth section of the Code of Georgia, so far as the same relates to the County of Chatham.

A bill to incorporate the North American Fire Insurance Company of Atlanta.

They have also passed the following bill of the Senate,

with amendments thereto, in which they invite the concurrence of this Branch of the General Assembly :

A bill to incorporate the Georgia Life and Accident Insurance Company of the city of Atlanta. .

They have also concurred in the amendment of the Senate to the following bill of the House of Representatives :

A bill to levy and collect a tax for the support of the Government for the year 1866, and for other purposes.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled, and signed by the Speaker of the House of Representatives, and Clerk thereof, the following Acts :

An act to incorporate the Macon Canal and Water Works, to authorize the Mayor and Council of the city of Macon to subscribe to the stock of said Company, to issue the Bonds of said city to pay for any subscription they may make, and to levy a tax to pay such bonds as may be issued, and for other purposes.

Also, an act to levy and collect a tax for the support of the Government for the year 1866, and for other purposes.

Mr. Moore, from the Judiciary Committee, made the following report :

*Mr. President* :—The Judiciary Committee, to whom was referred the bill to be entitled an act to exempt from levy and sale certain property of every debtor in this State, and for other purposes, together with the substitute therefor, which was adopted by the House of Representatives, have had the same under consideration, and recommend that the Senate disagree to the action of the House thereon.

The Committee have again considered the bill to be entitled an act to prevent the distillation of grain, and for other purposes, which was re-referred to them, and recommend its passage, with the following amendments :

1st, Strike out Sections 5 and 6.

2nd, Insert the words "and County," in the 3rd line of 8th Section, so as to make it read "Superior and County Courts,"

3rd, Insert "session of this," after "next," in last line of 9th Section.

B. B. MOORE,

Chairman.

The Senate took up the special order of the day, which was the bill for the discharge of insolvent debtors and disposition of said insolvent property.

On motion of Mr. Strozier the further consideration of the same was postponed until Wednesday next.

The Senate took up the report of the Committee of the

whole on the bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856.

The Report of the Committee was agreed to, the bill was read the third time and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 15, nays 16.

Those voting in the affirmative are Messrs:

Bedford, Beall, O. P., Bell, W. R., Black, Casey, Crawford, Gresham, Johnson, J. A. W., Kenan, Moore, Owens, Patterson, Smith, O. L., Thornton, Turner.

Those voting in the negative are Messrs:

Barwick, Bower, Boynton, Brown, Butler, Carter, England, Ezzard, Gholston, Griffin, Manson, Parris, Redding, Russell, Strozier, Wilcox.

So the bill was lost.

On motion, the Senate adjourned until Monday morning at 10 o'clock.

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#### MONDAY, MARCH 5TH., 1866.

The Senate met pursuant to adjournment, and was opened with prayer by the Rev. Dr. Manson, of the Senate.

On motion of Mr. Strozier so much of the Journal of yesterday as relates to the vote on the bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856, was ordered to be corrected, it having been ascertained that the vote as announced was an error, and that the bill was lost.

Mr. J. A. W. Johnson moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the foregoing bill,

Whereupon the yeas and nays were required to be recorded, and are yeas 18, nays 12.

Those voting in the affirmative are Messrs:

Bell, W. R., Black, Brown, Butler, Casey, Crawford, Dickey, Ezzard, Gholston, Gresham, Johnson, J. A. W., Kenan, Moore, Owens, Patterson, Smith, O. L., Thornton, Turner.

Those voting in the negative are Messrs :  
Barwick, Beall, O. P., Bower, Boynton, Carter, Daley,  
England, Parris, Redding, Russell, Strickland, Wilcox.

Yeas 18, nays 12.

So the motion to reconsider prevailed.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof :

*Mr. President :* The House of Representatives have passed the following bills :

A bill to incorporate the Brunswick & Altamaha Canal Company.

A bill to incorporate the Augusta Mutual Insurance Company.

A bill to authorize His Excellency, the Governor of this State, to issue and negotiate the bonds of this State, whereby to raise money to meet appropriations made, and to be made by the General Assembly, and to provide for the repairs and better equipment of the Western & Atlantic Railroad, and to relieve the people of this State from the United States land tax, and to provide a security for the indebtedness to be created by this act, and for other purposes therein named.

A bill to limit the time within which privileges granted to incorporated companies during the present session of the General Assembly may be exercised, and for other purposes.

A bill to alter and amend section 648 of the revised Code of Georgia.

A bill making provision for the division, in kind, of lands belonging to the estates of deceased persons and lying in several counties, and to protect the rights of minors in the same.

A bill to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the Court Houses have been destroyed, until the rebuilding of the same.

A bill to alter and amend section 1290 of the Code of Georgia.

A bill to define the liabilities of Vendue Masters, in certain cases.

They have passed, by a constitutional vote of 116 ayes to 19 noes, the following bill :

A bill to incorporate the LaGrange Savings Bank.

They have also concurred in the amendments of the Senate to the following bills of the House of Representatives :

A bill to incorporate the New Era Mining & Manufacturing Company.

A bill to incorporate Bucks Manufacturing Company, in the county of Schley.



A bill to incorporate the Atlanta Canal & Water Works Company.

A bill for the relief of certain physicians in this State.

A bill supplemental to, and explanatory of, the 2462nd section of the Code of Georgia, in relation to the administration of unrepresented estates, and to add additional sections thereto.

A bill to incorporate the Georgia & Alabama Petroleum Mining Company.

A bill to amend and alter the Charter of the city of Columbus.

A bill to incorporate the Vulcan Iron & Coal Company, and to confer certain powers and privileges thereon.

A bill to incorporate the Central Georgia Manufacturing Company.

A bill to incorporate the Dawson Manufacturing Company.

A bill to incorporate the Dalton Petroleum Mining Company.

They have concurred in the amendments of the Senate to the following bill of the House of Representatives with the exception of the first amendment, in which they refuse to concur:

A bill to alter and amend the several acts incorporating the city of Atlanta, in Fulton county.

They have concurred in the Senate amendment to the House amendment to the following bill of the Senate:

A bill to incorporate the Savannah Steamboat Company, with powers of insurance.

They have also concurred in the joint resolution from the Senate requesting the Post Master General to recommend the establishment of certain mail routes, which I am directed to return forthwith to this branch of the General Assembly.

They have passed the following bill of the Senate:

A bill to repeal an act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to December 9th, 1862, and to remit the penalties incurred.

They have adopted the following joint resolution which I am directed to transmit forthwith to this branch of the General Assembly:

Resolution allowing the Secretary of State to employ a Clerk in his office for the purpose of replacing destroyed maps in the Surveyor General's office.

Mr. O. L. Smith from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit:

An act to amend the 3866 section of the Code of Georgia so far as the same relates to the county of Chatham.

An act requiring certain criminal prosecutions to be *not prossed*.

An act to incorporate the North American Fire Insurance Company, of Atlanta.

The Senate took up the report of the committee of the whole on the bill accepting for the State of Georgia the donation by the United States of certain lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, by acts of Congress, approved severally July 2, 1862, and April 14th, 1864, and for other purposes therewith connected.

The committee on Internal Improvements to whom this bill was referred reported in favor of the passage of the bill.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion of Mr. Redding the rules were suspended, and the following bill of the House of Representatives was read the second time, to-wit :

A bill to submit the propriety of abolishing the State Penitentiary to the decision of the voters of this State.

The rules being further suspended the Senate took up the resolution of the House of Representatives appointing a committee of sixteen to digest and report a Common School system to the next session of the General Assembly, and for other purposes.

On motion the resolution was concurred in.

The committee appointed under the foregoing resolution consists of Messrs. O. L. Smith, Butler, Brown, Turner, Carter, Casey.

Mr. Owens, from the committee on Internal Improvements, made the following report :

*Mr. President:* The committee on Internal Improvements to whom were referred several bills, have instructed me to report as follows :

They have considered a bill to be entitled an act accepting for the State of Georgia the donation by the United States of certain lands in the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts by acts of Congress, approved severally July 2, 1862, and April 14, 1864, and for other purposes therewith connected, which they recommend do pass.

Also, a bill to be entitled an act to repeal an act entitled an act to legalize the proceedings of the southern stockholders of the Brunswick & Florida Railroad company, to change the name of said Company, and to amend the act of incorporation, to extend the Charter thereof, and to facilitate

the building of said road, approved the 10th December, 1861, to change the name of the Brunswick & Florida Railroad Company, to revive the Charter of said Company, and extend the same, and to confer upon the Brunswick & Albany Railroad Company the rights, powers and privileges, and immunities which have been granted to the Macon & Brunswick Railroad Company, which they propose to amend by striking out the 6th section, and inserting another in lieu thereof, and with this amendment they recommend its passage.

Respectfully submitted,

GEO. S. OWENS, Chairman.

On motion of Mr. Strozier the rules were suspended, and the Senate took up the message of the House of Representatives on the bill of the Senate to exempt from levy and sale certain property of every debtor in this State, which the House of Representatives had passed by a substitute.

The committee on the Judiciary to whom the bill and substitute had been referred reported adversely to the adoption of the substitute of the House.

The report of the committee was agreed to.

On motion the rules were further suspended, and the Secretary was instructed to notify the House of Representatives forthwith of the action of the Senate on the same.

The Senate took up the special order of the day which was the consideration of the report of the committee of the whole on the bill to donate the Okefenokee Swamp lands as a permanent endowment to the Georgia State Orphans Home.

The committee on the Judiciary to whom the bill was referred reported adversely to its passage.

The report was disagreed to, the bill was read the third time and passed by a unanimous vote.

The Senate took up the report of the committee of the whole on the bill to prevent the illegal distillation of grain, and for other purposes.

The committee on the Judiciary to whom this bill had been re-referred recommend its passage with the following amendments, to-wit:

To strike out sections 5 and 6, also to strike out the words "and county" in the third line of the 8th section after the word "Superior." Also to insert the words "session of this" after the word "next" in the last line of the 9th section.

The amendments of the committee were agreed to.

Mr. Carter moved to amend the 1st section by adding after the words "or other grain" the words "except grain imported from other States," which motion was lost.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bill:

A bill to define and provide for proving the time from which records shall be counted in cases where the recording has been or may hereafter be delayed from the want of books in the proper office.

They have also, by a unanimous vote, adopted the following joint resolution, which I am directed to transmit forthwith to this branch of the General Assembly:

Resolution requesting His Excellency the Governor to pardon and let go free Epsey Wood, a convict in the Penitentiary from the county of Franklin.

Mr. Dickey, chairman of the committee on Finance, submitted the following report:

*Mr President*: The committee on Finance have had under consideration the following bill, to-wit:

A bill to be entitled an act for the relief of maimed soldiers, who are citizens of Georgia, which they report back to the Senate without any recommendation.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to repeal an act entitled an act to legalize the proceedings of the Southern stockholders of the Brunswick and Florida Railroad company to change the name of said company, and to amend the act of incorporation, to extend the charter thereof, and to facilitate the building of said road, approved the 16th of December, 1861, to change the name of the Brunswick & Florida Railroad Company, to revive the charter of said Company, and extend the same, and to confer upon the Brunswick & Albany Railroad company the rights, powers, privileges and immunities which have been granted to the Macon & Brunswick Railroad Company.

The committee on Internal Improvements to whom this bill was referred recommend its passage by substituting the following in lieu of the 6th section, to-wit:

Section 6th. *And be it further enacted*, That nothing contained in this act shall be so construed into annulling or repealing the amendments of the charter of the said Brunswick & Albany Railroad Company, assented to April 7th, 1863, and that all laws in conflict with and repugnant to this act be and the same are hereby repealed.

The amendment was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the county of Scriven from the 1st Congressional District to the 5th Congressional District.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to authorize the Justices of the Inferior Court of the county of Bulloch to levy and collect an extra tax for the building of a Court House and bridges in said county, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to revive the Military Code of the State of Georgia as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code, inconsistent with its provisions, and for other purposes.

The committee on Military Affairs to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to allow parties time to make writs of Certiorari, in certain cases.

The Committee on the Judiciary to whom this bill was referred reported in favor of its passage.

Mr. Strozier moved to strike out the word "five" and insert the word "ten," which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

Leave of absence was granted to the Senator from the 10th District, after Saturday next, for the balance of the session, on important business.

Also, to the Senator from the 4th District, after Thursday next, for the balance of the session, on important business.

Also, to the Senator from the 22nd District, for a few days on important business.

Also, to the Senator from the 30th District, after to-morrow for the balance of the session.

Mr. Smith, Chairman of the Enrolling committee, reported as duly enrolled, signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit:

An act to incorporate the Bucks Manufacturing Company, in the county of Schley.

Also, an act to appropriate money to pay D. B. Sanford to bring up the unfinished business of the late Clerk of the Supreme Court, R. E. Martin, deceased.

Also, an act to make valid certain acts of the Justices of the Inferior Court of Polk county.

Also, an act to incorporate the Georgia & Alabama Petroleum Mining Company.

Also, an act to repeal all laws heretofore passed by the General Assembly of the State of Georgia prohibiting the distillation of corn, wheat, potatoes, rye, peas, &c., into spirituous liquors.

Also, an act to amend par. 2nd, title 3rd, chapter 2nd, article 4th, section 3rd, of the Code of Georgia.

Also, an act to ratify certain acts of Executors, Administrators, Trustees and Guardians, and of Judicial and Ministerial officers, and for other purposes therein mentioned.

Also, an act to authorize the Inferior Court of Greene county to levy an extra tax for the purpose of building a bridge across the Oconee river, to repair bridges of said county, and for other purposes.

Also, an act to regulate Court cost, in certain cases.

Also, an act to incorporate a town to be called Vernonburg.

Also, an act to change the line between the counties of Wilcox and Pulaski.

Also, an act to change the line between the counties of Dooly and Pulaski so as to include the residence of John Bembry, of the county of Dooly, within the limits of the county of Pulaski.

Also, an act to authorize the Inferior Court of the county of Glynn to compel the hands subject to road duty in any one district in said county to perform road duty in any other district in said county.

Also, an act to incorporate the Central Georgia Manufacturing Company.

Also, an act to alter and amend an act entitled an act to extend and define the corporate limits of the town of Newnan, in the county of Coweta, to provide for the election of Intendant and Commissioners for the same, to define their powers, and for other purposes therein named.

Also, an act for the relief of certain physicians in this State.

Also, an act to incorporate the Dalton Petroleum Mining Company.

Also, an act to enable persons whose fences have been destroyed by the Federal forces, in the county of Effingham, to build stock enclosures, and to make the intrusions upon said enclosures a misdemeanor, and for other purposes.

Also, an act to authorize the Justices of the Inferior Court of Terrell county to levy and collect a tax for certain purposes.

Also, an act to repeal section thirty-four hundred and seventy-eight (3478) of the Code of Georgia.

Also, an act to incorporate the New Era Mining & Manufacturing Company.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to facilitate trials in actions against tenants holding over, and against intruders in this State.

The committee on the Judiciary to whom this bill was referred reported against its passage.

The report was agreed to, and the bill was lost.

Leave of absence was granted to the Senator from the 35th District for to-day, on account of indisposition.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly :

A bill amendatory of the law relating to the establishment of lost papers.

A bill to incorporate the Mining, Manufacturing and Improvement Company.

They have passed the following bill of the Senate by a Constitutional majority of ayes 117, noes 7 :

A bill for the pardon of John W. Martin, now confined in the Penitentiary for the crime of murder.

They have rejected the following bill of the Senate :

A bill to allow all persons, residents of this State, who were maimed in the late war, to peddle and vend goods, wares and merchandize in any county in this State, under certain restrictions therein provided.

The House of Representatives have also passed the following bills :

A bill to authorize the Governor, under certain circumstances, to arrest the State tax upon land for the year 1866.

A bill to incorporate the Yonah Gold Company.

A bill to authorize the Chatham Academy, the Free School and the Union Society, to sell their interest in certain vacant lands in Chatham county, appropriated to them by an act of the General Assembly, assented to December 29th, 1829, and for other purposes.

A bill to change the line between the counties of Jasper and Putnam so as to include the residence of Cullen R. Ezell, Henry W. Roby and John Cardell in the county of Jasper, and for other purposes.

The Senate took up the report of the committee of the

whole on the bill of the House of Representatives to incorporate the Southern Mining Company.

The committee on Internal Improvements reported that they had had this bill under consideration, and propose to amend the same by striking out the 10th section thereof, and changing the word "fifty" in the 11th section to "thirty," also to add the following words to the 1st section "and shall have their principal place of business at Rome or Atlanta, in this State," and with these amendments they recommend its passage.

The amendments were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

Mr. Quillian, from the standing committee on the Deaf & Dumb Asylum, reported as follows:

*Mr. President:* The committee on the Deaf & Dumb Asylum to whom was referred the bill to be entitled an act to repeal a repealing act entitled an act to repeal an act and the act of which it is amendatory entitled an act to provide for the indigent deaf and dumb citizens of the State, and also to provide for the appointment of a Commissioner, to regulate his duties, fix his salary and appropriate money therefor by increasing annual appropriation, and for other purposes, approved January 13th, 1852, assented to December 15th, 1862, have had the same under consideration; and recommend that it do pass.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Look Out Valley Mining Company.

The committee on Internal Improvements to whom the bill was referred propose to amend the same by striking out the words "and elsewhere" in the 14th line of the 1st section, and also to add the following as an additional section, to-wit:

*Be it further enacted,* That the principal place of business of said Company shall be at Trenton, Georgia, and with these amendments they recommend its passage.

The amendments of the committee were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the relief of Administrators, Executors, Guardians and Trustees in certain cases.

The committee on the Judiciary to whom this bill was referred propose to amend the preamble of this bill by inserting the word "some" before the word "creditors" in the 5th line, and to insert the words "or in part" after



“full” in the 6th line, also by striking out the words “by the recent State Convention.”

They also propose to amend the 1st section by striking out all after the word “paid” in the 4th line, and insert in lieu thereof the following: “some creditors in full or in part when others are now excluded on account of the emancipation of slaves having rendered the said estate insolvent, but the said Administrator, Executor, Guardian or Trustee shall be exonerated from liability to the extent of such negro property,” and with these amendments they recommend the same do pass.

The amendments of the committee were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Muscogee Insurance and Industrial Association.

The committee on Internal Improvements to whom this bill was referred propose to add the following words at the close of the 1st section, to-wit: “and said association shall have their principal place of business at Savannah,” and with this amendment they recommend its passage.

The amendment was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

Mr. J. A. W. Johnson moved to suspend the rules in order to take up and make the special order for Wednesday next the reconsidered bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the “State’s Reserve” in the corporate authorities of the city of Macon, approved March 6th, 1856.

On motion of Mr. Redding the question was divided and the bill was taken up.

Mr. O. P. Beall moved to lay the bill on the table for the present, which motion was lost.

The motion to make the bill the special order for Wednesday next prevailed.

The Senate adjourned.

— —

3 O’CLOCK, P. M.

The Senate met pursuant to adjournment, and took up the report of the committee of the whole on the bill of the House of Representatives to compel Railroad, Steamboat and Express Companies to furnish parties receipts for articles delivered, and to prescribe the penalty for refusal.

The committee on the Judiciary to whom this bill was

referred reported in favor of its passage with the following amendment, to-wit :

To strike out the 2nd section and insert in lieu thereof the following :

Any agent or officer of any Railroad, Steamboat or Express Company violating the provisions of this act shall be deemed and considered guilty of a high misdemeanor, and upon conviction thereof shall be fined or imprisoned, or both, in the discretion of the Court, the fine not to be less than one hundred nor more than two thousand dollars, and the imprisonment not to exceed sixty days.

The amendment was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and the Speaker of the House of Representatives, the following acts and resolutions, to-wit :

An act to incorporate the Hansell Manufacturing Company, of Campbell county.

An act to repeal an act to require the incorporated Cotton and Wool factories in this State to publish lists of their stockholders, assented to December 9th, 1862, and to remit the penalties incurred.

An act to incorporate the Oostawaula Steamboat Company, with powers of insurance.

An act for the pardon of John W. Martin, now confined in the Penitentiary for the crime of murder.

Joint resolution requesting the Post Master General to recommend the establishment of certain mail routes.

On motion of Mr. Daley the rules were suspended, and the Senate took up the resolution of the House of Representatives requesting the Governor to pardon Epsy Wood a convict in the Penitentiary.

On motion the resolution was unanimously concurred in, and the Secretary was instructed to inform the House of Representatives forthwith of the action of the Senate on the same.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to repeal so much of an act entitled an act to add a part of the county of Paulding to the county of Carroll, and a part to the county of Floyd, assented to on the 22nd day of December 1847, as relates to lots numbers 520, 591 and 601 in the 1st District, 3rd section of original Paulding county, and to add lots number 413 and 414, first district and third section of Paulding county to the county of Carroll.

The committee on New Counties and County Lines, to whom the bill was referred, reported the same back to the Senate with the recommendation that the same do pass.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Justices of the Inferior Court of Clark county to raise money for certain purposes by an extra tax or by the issue of bonds.

The Finance Committee to whom the bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to incorporate the North Western Mining Company.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend the same by striking out the words "and elsewhere," in the 13th line of the 1st section, and by adding the words "such increase not to exceed two hundred thousand dollars," and with these amendments they recommend its passage.

The amendments of the Committee were agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

The following message was received from his Excellency the Governor, by Mr. Hunter, his Secretary :

*Mr. President* :—I am directed by the Governor to deliver to the Senate a communication in writing with accompanying documents.

The rules being suspended, the Message was taken up and read, as follows :

EXECUTIVE DEPARTMENT, }  
Milledgeville, 5th March, 1866. }

*To the General Assembly :*

I herewith communicate reports received from two Counties, of the number of destitute soldiers and widows of soldiers, &c., in those Counties.

In the message transmitted to you at the commencement of the session, I alluded to the destitution and sufferings of disabled soldiers and their families, and of the families of deceased soldiers, as presenting strong claims upon our gratitude, and our humanity.

Not knowing what action the General Assembly may propose to take on the subject, it is perhaps proper that I should apprise you that from information received from different quarters, and apparently reliable, I have reason to believe that before another crop can be gathered, the suffering among them and other destitute persons in Counties which have been overrun by both armies, in the late war,

will be most intense. The liberality of citizens in those localities who came out of the war with enough and to spare, has already been severely taxed to relieve such wants, and from it little more can reasonably be expected. The existing system for the relief of pauperism is probably adequate to its necessities in ordinary times, and it is certainly bad policy to encourage, among any people, a reliance upon government for a supply of the necessities of life. But the circumstances surrounding us at this time are extraordinary—such as have never occurred before in our day, and we may hope will never occur again.

The question presents itself—how shall relief be given? To rely upon the raising of a tax in each County to meet the wants within its borders, would be liable to two objections. First, unless the collection of such a tax be accelerated much beyond the usual time, it will be too tardy to meet the exigency. Secondly, if it is so accelerated, it will find those upon whom the burthen must fall, generally unprepared for it.

I am not aware of any other method than direct State aid. For the extension of this the times are certainly very unpropitious. An empty treasury may be, by some, regarded a sufficient reason for withholding large charities, however laudable. But it should be considered that the State has a credit which these sufferers have not. This, and the further consideration that their sufferings are not the result of idleness or of vice, satisfy me that we should not hesitate to incur a debt additional to that contemplated for other purposes, in order to supply bread for a few months to the hungry and helpless. The debt of the State is small. The increase you may direct for other objects will leave it still small, in comparison with her resources, and the addition of a few hundred thousand dollars for such a purpose, will neither depress her credit now, nor materially embarrass her finances hereafter.

I recommend that you authorize the purchase of corn in such manner, and in such quantity, as you may deem advisable, at points where it is abundant, to be paid for by the negotiation of bonds, and provide for its judicious and faithful distribution. I trust the different railroad companies in the State will, in aid of such a cause, lighten the State's burthen by favorable terms of transportation, to points of distribution, should you determine to take such action. So far as concerns the Western and Atlantic Rail Road, you have the power to set the example.

CHARLES J. JENKINS,

Governor.

On motion the Message was referred to a select committee of five, consisting of Messrs. Redding, Strickland, J. A. W. Johnson, Butler, and Bower.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to incorporate the Georgia Manufacturing and Paper Mill Company.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend the 1st section by striking out the words "and shall enjoy perpetual succession of officers and members," in the 16th and 17th lines, and with this amendment they recommend its passage.

The amendment was agreed to.

The Report of the Committee, as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to repeal a repealing act entitled an act, to repeal an act, and the acts of which it is amendatory, entitled an act to provide for the indigent deaf and dumb citizens of the State, and also to provide for the appointment of a commissioner, to regulate his duties, fix his salary, and appropriate money therefor by increasing annual appropriation, and for other purposes, approved January 13th, 1852, assented to December 15th, 1862.

The Committee on the Deaf and Dumb Asylum, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to incorporate the Okefenokee Land and Canal Company.

On motion the same was laid on the table for the balance of the session.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills of the Senate:

A bill to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same.

They have passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly :

A bill to amend the 4792nd and 4973rd sections of the Code of Georgia, and for other purposes.

A bill to authorize the rendition of certain decrees in equity during vacation, and to legalize certain decrees already rendered.

A bill to incorporate the Georgia Express Company.

The Senate took up the report of the Committee of the

whole on the bill of the House of Representatives to incorporate the North Georgia Petroleum and Mining Company, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, propose to amend the same by inserting after the word "desire," in the 14th line of the 2nd section, the words "not to exceed five hundred thousand dollars," and with these amendments they recommend its passage.

The amendment of the Committee was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the Resolution of the House of Representatives declaring that the Legislature will not entertain the application of any Banking corporations for relief as to liabilities or penalties incurred, except in certain cases.

On motion the same was postponed indefinitely.

The Senate took up the Resolution of the House of Representatives in reference to the Superintendent of the W. & A. R. Road, being required to report the quantity of iron in its possession belonging to the Brunswick and Florida Rail Road.

On motion the same was concurred in.

The Senate took up the Resolution of the House of Representatives requesting his Excellency the Governor to instruct the Superintendent of the Western & Atlantic Rail Road to give certain aid to farmers and other persons upon said Rail Road.

On motion the Resolution was concurred in.

The Senate took up the Resolution of the House of Representatives allowing the Secretary of State to employ a Clerk for the purpose of replacing maps destroyed.

On motion the same was concurred in.

On motion the rules were suspended and Mr. J. A. W. Johnson reported the following Resolution:

*Resolved, by the General Assembly, That the Senate Committee of five, and the House Committee of five, to whom the Governor's Message has been referred, in relation to providing corn for the destitute, act as a joint Committee.*

On motion the rules were suspended and the Resolution was taken up, read, and agreed to, and the Secretary was directed to transmit the same forthwith to the House of Representatives.

The Senate took up the message of the House of Representatives on the bill of the House to alter and amend the several acts incorporating the city of Atlanta.

On motion the Senate insisted upon its amendment to strike out the second section of the bill.

The Senate took up the message of the House of Repre-

representatives on the bill of the Senate amendatory of the law relating to the establishment of lost papers, which had passed the House of Representatives with the following amendments, to-wit :

To strike out the words "five days notice," and insert the words "personal notice at least ten days previous to the day appointed, which notice shall contain a copy of the paper to be established, which notice shall be served on." Also, to amend by adding after the words "the owner," in the third line, 1st section, the words "or his legal representative." \*

On motion the amendments were concurred in.

The Senate took up the message of the House in reference to the bill of the Senate to amend the 4792nd and 4293rd sections of the Code of Georgia, and for other purposes, which the House of Representatives had passed, with the following as an additional section :

*"Be it further enacted,* That the provisions of this act, to which this is an amendment, shall apply to all rentals of real estate in the State of Georgia, and the processes and proceedings required by this act, may be had before any Judicial or ministerial officer in this State having jurisdiction of the subject matter."

On motion the amendment was concurred in.

The Senate took up the message of the House in relation to the bill of the Senate to incorporate the Mining, Manufacturing, and Improvement Company, which the House had passed with the following additional sections, to-wit :

*"Be it further enacted,* That the individual property of each stockholder shall be liable for the debts of said Company to the amount of stock respectively subscribed by each, and not paid in at the time any suit may be commenced.

*Be it further enacted,* That said corporation shall not organize and commence business until the whole capital stock shall have been subscribed, and ten per cent of the same paid in.

*Be it further enacted,* That the principal office of business shall be located in Macon, Augusta, or Savannah, as a majority of the directors may determine.

*Be it further enacted,* That the second section be so amended as to strike out the names of the incorporators therein mentioned, and insert the following: "W. R. Turner, R. B. Murdock, and J. Blance."

On motion the amendments were concurred in.

The Senate took up the message of the House relative to the Senate bill to incorporate the Georgia Express Company, which the House of Representatives had passed with the following amendments, to-wit :

To amend by striking out the 9th section and insert the following in lieu thereof:

*"Be it further enacted, That the stockholders shall be jointly and severally bound in their private property, for the liabilities, debts, and losses of said corporation, so long as they are members of said Company."*

Also, to strike out the words "but the Legislature," in the 10th section, and all that follows at the end of the section.

Also, to add the following as an additional section, to-wit:

"Sec. 11. Whenever any stockholder transfers his stock he shall give notice of the same in some newspaper published at the place where the corporation has its principal office."

On motion the amendments of the House were concurred in.

The Senate took up the message of the House in relation to the Senate bill to authorize the rendition of decrees in equity, in vacation, and to legalize certain decrees already rendered, which the House of Representatives had passed with the following proviso at the end of the first section, to-wit:

*"Provided, That in all cases where minors are interested, the consent of the Guardian at law, or Guardian ad litem, shall be obtained before such decree is rendered."*

On motion the amendment was concurred in.

The Senate took up the message of the House in reference to the bill of the Senate to incorporate the Georgia Life and Accident Insurance Company, of the city of Atlanta, which the House of Representatives had passed with the following amendment, to-wit:

To strike out in the 4th section the words "twenty-five," and insert the word "fifty."

The amendment of the House was concurred in.

On motion the rules were suspended and the Senate took up the Resolution relating to the publication of a new Code.

The Resolution was, on motion, disagreed to.

The following bill was read the second time and referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Trenton and Look-out Manufacturing and Mining Company.

The following bill was read the second time and referred to the Committee on Education, to-wit:

A bill to establish a permanent board of Education, for the city of Savannah, and to incorporate the same, and for other purposes.



The following bills were read the second time and severally referred to the Committee on the Judiciary, to-wit :

A bill in relation to judgments against trust estates.

A bill to alter and amend chapter 4th, of the Code of Georgia.

The following bill was read the second time, to-wit :

A bill to extend the corporate limits of the town of Thomasville.

The following bills of the House of Representatives were read the second time, to-wit :

A bill to authorize the Inferior Court of Richmond County to levy an extra tax for County purposes.

A bill to extend the corporate limits of the city of Rome.

A bill to change the time of holding the Inferior Courts of the County of Lincoln.

A bill to exempt from street duty all persons who now are or hereafter may become active members of either of the existing Hook & Ladder or Fire Companies of the city of Atlanta.

A bill to incorporate the city of Madison, to provide for its government, define its powers, and for other purposes therein mentioned.

A bill to amend an act to incorporate the town of Brunswick, in the County of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council and such other officers as may be required, and confer upon them specific powers, and for other purposes therein mentioned.

A bill for the election of Superintendent of Public Roads and Bridges in the Counties of Wilkes, Muscogee, and Lincoln, and such other Counties as may adopt the provisions of this act, and to define his rights and duties, and to repeal all laws inconsistent with this act.

A bill to change the time of holding the Superior Court of Lee County.

A bill to extend the time for the completion of the Coosa and Chattooga River Rail Road.

The following bill of the House of Representatives was read the second time and referred to the Committee on Military Affairs, to-wit :

A bill to abolish the office of Adjutant & Inspector General.

The following bill of the House of Representatives was read the second time and referred to the Committee on New Counties and County lines, to-wit :

A bill to change the line between the Counties of Murray and Gordon.

The following bill of the House of Representatives was read the second time and referred to the Committee on Public Education, to-wit:

A bill to regulate the distribution of the Common School fund of the County of Echols, and for other purposes.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Ellijay Mining Company of Georgia.

A bill to incorporate the "Gate City Foundry, Car, and Machine Works," in the City of Atlanta, County of Fulton, and State of Georgia.

A bill to incorporate the Chestatee River & Long Branch Hydraulic Hose Mining Company.

A bill to incorporate the "Atlanta Mining & Rolling Mill Company."

A bill to incorporate the Grand Bay Manufacturing Company, in the County of Berrien.

A bill to amend an act to incorporate the Brunswick Improvement Company, passed on the 9th February, 1856, and to extend the privileges of the same.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on the Judiciary, to-wit:

A bill to repeal paragraph 183, part 1st, title 4th, chapter 1st, of the Code of Georgia.

A bill to declare Olivia Kate Wallace, of the County of Morgan, the adopted child of Stephen B. Jones, late of said County, deceased, so as to enable her to take and receive any property or legacy to which she may be entitled by his last will and testament.

A bill to legalize certain marriages in this State.

A bill to legalize certain contracts made by Executors, Administrators, Guardians, and Trustees, with persons of color, and white persons, and authorize the making of such contracts for the future, and prescribe the effect of the same.

A bill to authorize the several Ordinaries of this State to administer oaths and receive compensation therefor.

A bill to authorize certain sales to be made in other Counties in this State than where such sales are now required by law, and when certain kinds of property have been removed out of the State, to authorize the sales of the same in the State where it has been removed.

On motion the Senate adjourned until to-morrow morning at 9½ o'clock.

The following bill of the House of Representatives was read the second time and referred to the Committee on Public Education, to-wit:

A bill to regulate the distribution of the Common School fund of the County of Echols, and for other purposes.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Ellijay Mining Company of Georgia.

A bill to incorporate the "Gate City Foundry, Car, and Machine Works," in the City of Atlanta, County of Fulton, and State of Georgia.

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A bill to authorize the several Ordinaries of this State to administer oaths and receive compensation therefor.

A bill to authorize certain sales to be made in other Counties in this State than where such sales are required by law, and when certain kinds have been removed out of the State, to authorize the same in the State where it has been removed.

On motion the Senate adjourned until meeting at 9½ o'clock.

TUESDAY, MARCH 6TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer, by the Rev. Mr. Brown of the Senate.

Mr. Thornton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the resolution providing for the publication of a new Code, which motion was agreed to.

Mr. Strozier moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate, on the resolution of the House, relative to the quantity of iron in the possession of the Western & Atlantic Rail Road, belonging to the Brunswick and Florida Rail Road, which was agreed to.

On motion the rules were suspended, and the bill of the House of Representatives, to fix the amount of compensation that officers and members of the General Assembly shall receive, until otherwise altered by law, was read the first time.

The committee on the Judiciary, through their Chairman, Mr. Moore, made the following report :

*Mr. President:* The Judiciary committee to whom were referred certain bills, have had them under consideration, and direct me to report thereon as follows :

A bill to be entitled an act to authorize certain sales to be made in other counties in this State than where such sales are now required by law, and when certain kinds of property have been removed out of the State, to authorize the sales of the same in the State where it has been removed, which they recommend do pass.

Also, a bill to be entitled an act to declare Olivia Kate Wallace, of the county of Morgan, the adopted child of Stephen B. Jones, late of said county deceased, so as to enable her to take and receive any property or legacy to which she may be entitled by his last will and testament, which they recommend do pass.

Also, a bill to be entitled an act to amend the 4467th section of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to repeal paragraph 183 of part 1, title 4, chapter 1, of the Code of Georgia, which they recommend do pass.

Also, a bill to be entitled an act to legalize certain marriages in this State, which they recommend do pass.

Also, a bill to be entitled an act to legalize certain contracts made by Executors, Administrators, Guardians and stees, with persons of color and white persons, and authorize the making of such contracts for the future, and

prescribe the effect of the same, which they recommend do pass, with the following words added to the 2d section, to-wit: "whenever the same are approved by the Ordinary of the county".

Also, a bill to be entitled an act to authorize the several Ordinaries of this State to administer oaths, and to receive compensation therefor, which they recommend do pass.

Also, a bill to be entitled an act in relation to judgments against trust estates, which they recommend do not pass.

Also, a bill to be entitled an act to alter and amend chapter 4th of the Code of Georgia.

The committee propose to amend the first section of this bill by striking out the sixth and last paragraph thereof, beginning with these words "*also that sec. 1353*", &c. They also propose to amend the 2d section by adding to it the following words, to-wit: "*for which the Clerk shall receive one dollar fee for each license so recorded*", and with the adoption of these amendments, they recommend the passage of the bill.

Mr. O. L. Smith from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following resolutions and acts, to-wit:

An act to incorporate the Wahatchee Mining Company.

An act to incorporate the Savannah Steamboat Company with powers of Insurance.

An act to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same.

Mr. Brown, Chairman of the committee on New Counties and County Lines, reported, the committee have had under consideration, the following bill:

A bill to be entitled an act to change the line between the counties of Murray and Gordon, and recommend the passage of the bill.

Mr. Owens, from the committee on Internal Improvements, submitted the following report:

*Mr. President*:—The committee on Internal Improvements, have considered several bills, submitted to them, and instruct me to make the following report:

A bill to be entitled an act to incorporate the Atlanta Mining and Rolling Mill Company. which they recommend do pass.

Also, an act to incorporate the Trenton and Lookout Manufacturing and Mining Company; which they propose to amend by striking from the 22nd, and 23rd lines, of the 1st section, the words "and shall enjoy perpetual succession", and with this amendment, recommend its passage.

Also, a bill to be entitled an act to incorporate the Ellijay

Mining Company of Georgia, which they propose to amend by striking out the 9th section, and with this amendment, recommend its passage.

Also, a bill to be entitled an act to incorporate the Grand Bay Manufacturing Company, of the county of Berrien, which they propose to amend by inserting at the end of the 1st section, the words, "said Company shall have its principal place of business at Mill Town, or such other place as they may agree on; such place to be advertised in one of the public gazettes of the State"; and by inserting in the 6th line of the 3rd section, after the word "session", the words "not to exceed five hundred thousand dollars", and with these amendments, recommend its passage.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill for the relief of John S. Edmondson, of the county of Wilkes, and for other purposes.

They have also passed the following bills, of the Senate:

A bill to relieve Securities upon bonds for criminal offences, committed during the war with the United States, upon certain conditions.

A bill to carry into effect the ninth clause of the first section of the fifth article of the Constitution.

They have passed the following bill of the Senate, by a constitutional majority, of ayes 75, nays 37:

A bill to incorporate the Savings Bank of Augusta.

They have also concurred in the resolution of the Senate, that the Senate committee of five, and the House committee of five, to whom the Governor's message has been referred in relation to providing corn for the destitute, act as a joint committee.

They have rejected the following bill of the Senate:

A bill to repeal the 4413th section of the Code of Georgia.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary:

*Mr. President:*—I am directed by the Governor to return to the Senate, in which it originated, a bill entitled an act for the relief of the people of Georgia, and to prevent the levy and sale of property under certain circumstances, and within a limited period, accompanied by a communication in writing.

On motion, the Message was taken up, and read as follows:

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, 6TH MARCH, 1866. }

*To the Senate:*

Having given serious consideration to "a bill to be entitled an act for the relief of the people of Georgia, and to prevent the levy and sale of property, under certain circumstances, and within a limited period", which originated in your body, with more than ordinary anxiety, if possible, to concur with the General Assembly, in the propriety of its enactment, I am constrained to return it without approval.

The Constitution of the United States, expressly ordains, that "*no State shall pass any law impairing the obligation of contracts*".

The application of this provision to the act under consideration, involves two enquiries:

*First*, what is meant by the obligation of a contract? Secondly, what constitutes an impairment of it?

A proper consideration of the subject, requires a distinction between a contract, and its obligation. The former is "an agreement to do or not to do a particular thing". The latter is that which binds the promisor, to perform his agreement. We often speak of a moral obligation to perform a promise, the sanction of which is found in a pure and enlightened conscience. But it is evidently not this which the Constitution was designed to save from impairment, because it is simply impossible for legislative action to change the dictate of conscience regarding any antecedent duty, which one person may owe to another.

We speak also of the legal obligation of a contract, by which is meant, the force of law, compelling its performance or giving an equivalent, after its breach. In arguing the case of *Ogden vs. Saunders*, Mr. Webster remarked "*the municipal law is the force of society, employed to compel the performance of contracts*". This force consists of all the means provided by law, to enable the promisee, without disturbing the peace of society, to compel the performance, by a reluctant promisor, of his engagement. Thus understood, it is clear that the Legislature, if unrestrained, would be capable of impairing or destroying the obligation; and it is precisely to guard *it*, that this prohibition was inserted in the Constitution.

The question then is presented, whether or not this act, against the intendment of the Constitution, impairs the obligation of contracts. It provides "that there shall be no levy or sale of property of defendants in this State, under any execution, founded on any judgment, order or decree, of any Court, heretofore, or hereafter to be rendered, upon

any contract or liability, made or incurred prior to the 1st June, 1865, *provided*, the said defendant shall pay or cause to be paid, during each year, one fourth of the amount of principal and interest of such execution, or of the debt or claim, on which such execution has been or may hereafter be obtained, so that the entire indebtedness, shall be paid in four years from the first day of January 1866, the first installment to be paid by the first January, 1867, and the fourth and last, by the 1st January 1870" Any officer levying, or selling, is made liable for a trespass. Here we remark that the prohibition of the Constitution is not directed solely against the destruction of the obligation. It is not, that no State shall pass any law *destroying* the obligation. Were it so expressed, however impolitic or unjust it might be, in any supposable case, to impair, without destroying it, the *Constitution* could not be interposed as a barrier to such action. But it is explicitly against impairment that the prohibition is directed. The intention being negative, not positive—prohibitory not mandatory, the lesser interference is expressed, because, being included in the greater, its prevention, prevents both. Hence it appears that something more was intended than to keep the obligation alive which is all that can be claimed for a stay law.

Let it be borne in mind, that the obligation of a contract, *is the force of law, compelling its performance, or giving satisfaction for its breach.* This force has a two-fold operation. First, it acts judicially, whereby the existence of the contract, its breach, and the mode of enforcement are determined, all of which are expressed in the judgment. Secondly, it acts ministerially, wherein, under command in writing, an officer of law, either transfers certain specific property from the possession of the promisor to that of the promisee, or converts into money, in a mode prescribed, such portion of the promisor's property as will satisfy the judgment, and delivers it to the promisee. This done, the obligation of the contract is consummated—its performance is enforced.

But if when the judgment shall have been rendered, and the next step, according to the law which creates the obligation, is to issue this written authority, (called an execution,) without which the judgment would be valueless, the State shall pass a law forbidding its issuance, for one year; or if, after it shall have been issued, the proper officer is forbidden to execute it, within a year, what effect has this litigation upon the obligation? We are told the effect is to suspend it, leaving its vitality untouched. True, by the terms of the law, vitality remains, but does this satisfy the Constitution? Is there no diminution, no weakening, no impairment, of the force of law, compelling performance?

Lexicographers tell us that to *impair*, is to "*diminish, to weaken, to injure, to lessen in value*". Suppose A to obtain a



judgment against B, and C to obtain another against D, at the same time, each founded on contract, and both, according to the general law, whence the obligation of contracts spring, capable of immediate execution. Then suppose the Legislature to intervene, and enact, that the former shall not be executed within one year, leaving the latter untouched, would there then be no difference in the relative strength of the two obligations? A man in paralysis has vitality, as positive, as has he, in good health; yet it is impaired. So A's judgment has an obligation, but it is paralysed, "*weakened*", "*diminished*", by the temporary loss of its active quality, and therefore, impaired. In executing contracts, time is always an important element. It will probably be conceded that it would be unconstitutional for the General Assembly to enact that no promissory notes heretofore made, and to mature, on the first day of January 1867, shall be considered due, and payable, before the first day of January, 1868. If this be so, it is difficult to perceive how the constitutionality of this Act can be maintained. If the day of payment may not be postponed *before* maturity, by legislative action, it would seem, "*a fortiori*", that it may not be, after maturity; or rather, that the contract may not be thrown back into immaturity, and a new day of payment appointed, by such action. Pursuing the line of argument, the right of the promisee, does not lose its character of contract, by the institution of a suit, nor by the rendition of a judgment to enforce it. That character abides, and to it the Constitutional guaranty adheres, until it is either extinguished by performance, or smothered, by a statute of repose. Indeed, this act specially refers to contracts in judgment, and to their dates. Hence I conclude the Legislature has no more power to appoint a new and distant day of payment, after suit commenced, or judgment rendered, than before. In all other respects, the promisee's condition is considered better after judgment; why worse in this? Before judgment, his will is impotent to compel immediate performance of the contract. The judgment makes that will, the motive power of the obligation, for by it, the execution, the final process, may be put in action. But, by legislation of this character, that motive power is suspended—temporarily abstracted from the obligation. Perpetual injunction would destroy the obligation, *quo ad*, the action of this State; and I cannot resist the conclusion, that temporary injunction would impair it.

Again, the judgment and execution, which are intended to be the consummation, or end of the obligation, are lawful subjects of traffic, are saleable commodities. It is indisputable that the possession, and exercise by the Legislature of the power of suspending their operation, would "*lessen their*

*value*", as such ; and this brings such legislation within another definition of impairment, viz : it "*lessens the value*".

If one Legislature may postpone for a year, each subsequent one may do the same. Already have the judgments affected by this act, been suspended five years by such action. Upon principle, these successive postponements might as well be continued an hundred years, or through all time. The hundredth would be as valid as any preceding one. But now, meantime, fares the obligation ? The consolation offered to the promisee, and repeated to successive generations of his posterity, would be, that it flourished, in a green old age, its strength unimpaired by time.

The strength of the argument in favor of stay laws, lies in the proposition, that final process is but a part of the remedy, which must always be within the power of the Legislature ; otherwise it would be impossible to correct errors in jurisprudence, or to improve the system as experience may develop its defects. The power of the Legislature to modify remedies, even at the cost of delay to suitors, then in Court, must be conceded ; but with two qualifications. *First*, the intention must be bona fide, to change permanently, and to improve the system. *Secondly*, this must always be done, if possible, so as not to affect injuriously antecedent rights. This act cannot be brought within either of them. *First*, it contemplates neither any improvement, nor any permanent change, of the judicial system. Sections 3553 to 3557, and section 336 of the Revised Code, regulate proceedings after judgment, in suits to enforce contracts. It is obviously not the intention of the General Assembly to make any change in these, further than to suspend them for a time, in the class of cases described in the act. No other course of proceeding is substituted—judgments rendered for special purposes, are excepted—and none that may hereafter be rendered, on contracts made since the first of June 1865, are included in the stay. In such cases therefore the course of the law, will be the same as heretofore. *Secondly*, if the change were permanent, if it contemplated just such a stay of execution, under judgments to be obtained, founded on contracts made since the first day of June last, the office of Sheriff is nevertheless continued, and therefore all judgments, founded on contracts heretofore made, might be executed, as well as in times past, and the obligation of the contract be unaffected. But in point of fact the bill not only affects them, but injuriously discriminates against them.

Here then is plenary evidence that it is not one of those great reformatory measures designed to improve the judicial system, for the permanent advantage of the body politic, that in truth it makes no change in the system, but only withdraws for a time, from a certain class of contracts, its

obligatory operation. It is a temporary expedient, interposed between the debtor and creditor, for the relief of the former. It postpones for one year absolutely, and for four years conditionally, the full performance of all contracts entered into before the first of June last, and in my opinion, as flagrantly violates the Constitution, as if it affected contracts running to maturity, by postponing the day of payment, one, or four years, beyond that fixed by the terms of each.

The course of reasoning adopted, the principles affirmed, and the rules of construction applied to this clause of the Constitution by the Supreme Court of the United States, in several cases, seem to me to lead to this conclusion, although in none of them were the Legislative acts reviewed, identical in their provisions, with this. These I shall simply state without quoting from them. They are *Sturges vs. Crowningshield*, 4th Wheaton 122—*Green vs. Biddle*, 8th Wheaton 1—*Ogden vs. Sanders*, 12th Wheaton 213—*Bronson vs. Kinzee*, 1, Howard 311—*McCracken vs. Hayward* 2, Howard 608.

In these cases, stay laws are, by way of illustration, more than once referred to, as violating this clause of the Constitution. In the first, Chief Justice Marshall, who bore a part in the proceedings for the adoption of the Constitution, expresses the opinion that the passing of such laws by the States, was one of the chief causes which induced the insertion of this clause. Judge Parsons, at page 703 of the 2nd volume of his authoritative treatise on contracts, affirms the proposition, as established by authority, that “an exemption of property from attachment (by which is meant levy) or a subjection of it to a stay law, or appraisement law, *impairs the obligation of the contract*”. He adds, “such a statute can be enforced only as to contracts made subsequently to the law.”

There are, I concede, cases supporting the opposite conclusion, but I think they are sustained neither by the weight of authority nor by the force of logic.

Our own Constitution contains a clause similar to that quoted from the Constitution of the United States. But it is not alone, this duplicate prohibition, which in my opinion precludes legislation of this character. The first clause of the first section of the second article of the Constitution of Georgia, is in these words, “the Legislative, Executive, and Judicial departments, shall be distinct; and each department shall be confided to a separate body of Magistracy. *No person or collection of persons, being of one department, shall exercise any power properly attached to either of the others; except in cases herein expressly excepted*”. It is to the latter sentence I particularly refer. The investigation and determination of private rights,—the enforcement of contracts

between individuals, when one of the parties refuse compliance, are clearly powers properly belonging to the Judicial department. Their exercise is invoked by suit, in Court, which being instituted, is properly under the control of that department, from the filing of the petition, to the return, of final process, executed. When for the purpose of preventing wrong or oppression, or of doing full and complete justice in any case, it becomes necessary to arrest the proceeding, whether before or after judgment, this can only be done by the writ of injunction, and that issues *properly* out of chancery, which appertains, exclusively to the Judicial department. What are the rights upon which the bill under consideration acts? They are those which have been asserted by suits in Courts of Justice, have been there investigated and adjudicated, and which those Courts are proceeding to enforce by their final processes, called executions. What action does this bill propose upon them? It does not indeed set them aside—annul them, but it suspends action under them for a specified time. What is this suspension, but an injunction of a judicial proceeding? The form of the writ used in the department to which the power properly belongs, is not observed, but the precise end is attained, the injunction is as effectually imposed, as if a writ in due form had emanated from the legitimate source.

Let us look a little more in detail into this matter. A writ called an execution issues from the Inferior Court of Baldwin county, directed to the Sheriff, commanding him to make by levy and sale of the property of C D one hundred dollars, which A B lately in that Court recovered of him, and further, that he return that writ into Court at the next term, which means, in law, that he return it executed. If the Sheriff do not make the money as required, he may at the return term of the writ, be ruled and compelled to pay it himself, unless he can show good cause for his failure. This is the course of the law, and this its end. But suppose when so called on he should exhibit a writ, sued out of the chancery side of the Superior Court of Baldwin county, at the suit of C D, commanding him to desist from levy and sale, under that particular execution, until the further order of the Court: he stands justified because he is enjoined. One branch of the Judicial department, armed by law with the power, has arrested another, and no violence is done to the Constitution. But suppose instead of exhibiting a writ of injunction from the Superior Court, he should exhibit an act of the Legislature forbidding him to execute, within a year, any *fi fa*, issued by any Court. If he be excused, on what ground? Clearly that he was enjoined. That the Judicial injunction, in the one case, was in the exercise of "a power properly attached", to the Judicial Department cannot possibly be denied. Then how can it be maintained

that the imposition of the Legislative injunction, in the other case, would be conformable to the provision of the Constitution, I have quoted. Is it not manifest, that such legislation produces direct collision between the departments? The mandate issued by the Judicial department was in strict conformity with the laws of the State. Without repealing those laws, without permanently curtailing the powers of the Courts, the Legislative department simply intervenes, and forbids the ministerial officer, obeying the Judicial mandate. It was for the express purpose of preventing such conflict, this provision was inserted in the Constitution.

There is another objection to this bill, which I cannot pass over in silence. It classifies contracts and discriminates between the classes, injuriously to one of them, or rather to the parties interested in their enforcement. Contracts made prior to the first day of June 1865, constitute one class; those made subsequently, another. To the former only is the stay of execution, under it, applied. If separate judgments should be obtained in the month of January 1867, the one founded on a contract entered into before the first day of June 1865, and the other on a contract made after the last mentioned day, even though they were based upon considerations equally meritorious, the stay of this law would attach to the former, and not to the latter. I am utterly at a loss to conjecture upon what principles, consistent with equal justice, this discrimination is founded. Indeed it would seem that if any discrimination were made, it should be in favor of that class of creditors, a very large majority of whom have already been subjected to five of these Legislative injunctions, successively enacted, and so linked, as to compose a chain, extending over as many years. The elder creditor is tied up and the junior left untrammelled. Nay more, the judgment creditor of five or more years standing is arrested, whilst to the simple contract creditor of yesterday, the highway to full and complete compulsory performance is left open. It may be said that whenever a junior execution, not stayed by the proposed law, shall by levy and sale, cause money to be made, the older executions are not restrained from being interposed to claim it. But this can scarcely be intended, for in that event, the law must fail to give the promised relief. Under any circumstances, this could only occur where there were judgments of both classes, against the same debtor, and the suggestion therefore does not relieve the measure from the alleged discrimination. Even in those cases the debtor would be under a strong temptation to apply his means to the satisfaction of the junior judgment, reserving for the senior only the annual installment, necessary to keep him in fetters, and thus, the discrimination would still operate injuriously.

I take no pleasure in the performance of this duty. Always reluctant to disagree with the General Assembly, I can truly say this disagreement is painful in the extreme. I have abundant sympathy for the suffering people of Georgia, and in the desire of the General Assembly to alleviate their sufferings. But on entering this office I took at the threshold, in presence of you all, a solemn oath to preserve, protect and defend the Constitution of the United States, and of the State of Georgia; and this I must do, as I, not as others understand those instruments. If I doubted I would give the measure the benefit of the doubt, and leave its constitutionality to the Courts; but, not doubting, I must dissent as I regard my oath. Upon such subjects, men equally earnest in search of truth, and equally upright and fair, in their habits of thought, are prone to differ. Whenever such a difference occurs, it becomes each party to extend to the other the meed of upright intention. I have done what I conceive to be my duty, and if after reconsideration, which I respectfully invite, a constitutional majority of the General Assembly should adhere to the measure, I shall indulge the hope that no detriment will come to the State, either from its seemingly unequal practical operation, or from its imputed violation of the fundamental law.

CHARLES J JENKINS, Governor.

On motion of Mr. J. A. W. Johnson the bill referred to in the message from His Excellency the Governor was put upon its passage, and a vote of two thirds being necessary the yeas and nays were required to be recorded, and are yeas 26, nays 7

Those voting in the affirmative are Messrs :

Barwick. Beall, O. P., Black, Bower, Brown, Butler, Casey, Daley, Dickey, Ezzard, Gholston, Johnson, J. A. W., Johnson, J. F., Manson, McDaniel, Moore, Owens, Parris, Patterson, Quillian, Russell, Smith, O. L., Strickland, Thornton, Turner, Wilcox.

Those voting in the negative are Messrs :

Bell, W. R., Boynton, Crawford, England, Kenan, Redding, Strozier.

Yeas 26, nays 7.

So the bill was passed by a Constitutional majority over the veto of His Excellency, the Governor.

On motion of Mr. J. A. W. Johnson the rules were suspended, and the Secretary was instructed to communicate the action of the Senate upon the same forthwith to the House of Representatives.

The Senate took up the report of the committee of the

whole on the bill for the relief of maimed soldiers, wh are citizens of Georgia.

On motion of Mr. Butler the bill was laid on the table for the present.

The Senate took up the report of the committee of the whole on the bill to extend the corporate limits of the town of Thomasville.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill to establish a permanent Board of Education for the city of Savannah, and to incorporate the same, and for other purposes.

The committee on Education to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the rules were suspended, and Mr. J. A. W. Johnson, introduced a bill to alter and amend sections 3576 and 4083 of the Code of Georgia, which was read the first time.

The Senate took up the report of the committee of the whole on the bill to incorporate the Trenton and Lookout Manufacturing & Mining Company.

The committee on Internal Improvements to whom this bill was referred propose to amend the same by striking from the 22nd and 23rd lines of the 1st section the words "and shall enjoy perpetual succession," and with this amendment they racommend it be passed.

The amendment of the committee was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize certain sales to be made in other counties in this State than where such sales are now required by law, and where certain kinds of property has been removed out of the State, to authorize the sales of the same in the State where it has been removed.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to amend the 4467th section of the Code of Georgia.

The committee on the Judiciary to whom this bill had been referred reported favorably to its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to repeal paragraph 183, part 1st, title 4th, chapter 1st, of the Code of Georgia.

The committee on the Judiciary to whom this bill had been referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to legalize certain marriages in this State.

The committee on the Judiciary to whom this bill had been referred reported favorably to the passage of the same.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to declare Olivia Kate Wallace, of the county of Morgan, the adopted child of Stephen B. Jones, late of said county deceased, so as to enable her to take and receive any property or legacy to which she may be entitled by his last will and testament.

The committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the line between the counties of Murray and Gordon.

The committee on New Counties and County Lines having had this bill under consideration reported that the same be passed.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to regulate the distribution of the Common School Fund of the county of Echols, and for other purposes.

The committee on Education to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the several Ordinaries of this State to administer oaths and to receive compensation therefor.

The committee on the Judiciary to whom this bill was referred, reported the same back to the Senate, with the recommendation that the same do pass.

The report was agreed to, the bill was read the third time and passed.



The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bill:

A bill to change the line between the counties of Muscogee and Chattahoochee, so as to make the Upatoi Creek to the Chattahoochee river the dividing line, as originally passed in the act forming the county of Chattahoochee.

They have passed the following bill of the Senate:

A bill to alter and amend the 4293 section of the Penal Code.

They have rejected by indefinite postponement the following bill of the Senate:

A bill to alter and amend the laws regulating interest in this State, and to establish a conventional rate of interest.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Atlanta Mining & Rolling Mill Company.

The committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to legalize certain contracts made by Executors, Administrators, Guardians and Trustees with persons of color and white persons, and authorize the making of such contracts for the future, and prescribe the effect of the same.

The committee on the Judiciary to whom this bill had been referred reported in favor of its passage with the following amendment to the second section, to-wit: "Whenever the same are approved by the Ordinary of the county."

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee on the bill of the House of Representatives to incorporate the Brunswick Improvement Company, passed on the 9th of February, 1856, and to extend the privileges of the same.

The committee on Internal Improvements to whom the bill was referred recommend that the same do pass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to amend an act to incorporate the town of Brunswick, in the county of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council, and such other offi-

cers as may be required, and to confer upon them specific powers, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the times of holding the Inferior Courts of the county of Lincoln.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to exempt from street duty all persons who now are or hereafter may become active members of either of the existing Hook and Ladder, or Fire Companies, of the city of Atlanta.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to extend the corporate limits of the city of Rome.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Grand Bay Manufacturing Company, in the county of Berrien.

The committee on Internal Improvements to whom this bill had been referred propose to amend by inserting at the end of the 1st section the words "said Company shall have its principal place of business at Mill Town, or such other place as they may agree upon, such place to be advertised in one of the gazettes of this State."

Also, by inserting in the 6th line of the 3rd section after the word "desire" the words "not to exceed five hundred thousand dollars," and with these amendments they recommend that the bill be passed.

The amendments of the committee were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Inferior Court of Richmond county to levy an extra tax for county purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Eljay Mining Company, of Georgia.

The committee on Internal Improvements to whom this bill had been referred propose to amend by striking out the

9th section, and with this amendment they recommend its passage.

The amendment of the committee was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the city of Madison, to prescribe for its government, define its powers, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the time of holding the Superior Court of Lee county.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the election of a Superintendent of Public Roads and bridges in the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this act, and to define his rights and duties, and to repeal all laws inconsistent with this act.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to extend the time for the completion of the Coosa and Chattooga River Railroad.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to submit the propriety of abolishing the State Penitentiary to the decision of the voters of this State.

On motion the same was indefinitely postponed.

The following message was received from His Excellency the Governor by Mr. Hunter, his Secretary :

*Mr. President:* The Governor has approved and signed the following acts, to-wit:

An act supplementary to an act to incorporate the North Georgia Mining & Manufacturing Company.

An act to incorporate the Rome Gas Light Company.

An act to give certain powers to the Judge of the City Court of Savannah, and to prescribe certain practices in said Court, and for other purposes.

An act to change the terms of the Superior Courts of Worth county.

An act to authorize the City Council of Augusta to

change, alter, equalize or create new wards in said city, and to change the mode and manner of the elections of Mayor and Councilmen of Augusta, and also to change and increase the fees and salaries of any of the officers in said city, and the terms and time of their election.

An act to incorporate the Blairsville Mining & Manufacturing Company.

An act to incorporate the North American Fire Insurance Company, of Atlanta.

An act requiring certain criminal prosecutions to be *not prossed*.

An act to repeal an act to require the incorporated Cotton and Wool Factories in this State to publish lists of their stockholders, assented to December 9th, 1862, and to remit the penalties incurred.

An act to amend the three thousand eight hundred and sixty-sixth section of the Code of Georgia, so far as the same relates to the county of Chatham.

An act to incorporate the Hansell Manufacturing Company, of Campbell county.

An act to incorporate the Oostanaula Steamboat Company, with powers of insurance.

Also, the following resolution, to-wit:

A resolution accepting the benefit of certain acts of the Congress of the United States donating public lands for certain purposes therein mentioned.

A resolution requesting the Post Master General to recommend the establishment of certain mail routes.

The Senate took up the report of the committee of the whole on the bill to alter and amend chapter 4th of the Code of Georgia.

The Committee on the Judiciary to whom this bill was referred propose to amend the first section of the bill by striking out the sixth paragraph thereof beginning with the words "also that section 1353," &c. Also to add the following words to the 2nd section: "for which the Clerk shall receive one dollar, fee for each license so recorded," and with these amendments they recommend its passage.

The amendments of the committee were agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill in relation to judgments against trust estates.

The committee on the Judiciary to whom this bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

On motion the rules were suspended, and Mr. Kenan in-

roduced the following bill which was read the first time, to-wit:

A bill to authorize and direct the Governor to dispose, by sale of certain lands belonging to the State of Georgia.

The rules being further suspended Mr. Moore introduced the following bill, which was read the first time, to-wit:'

A bill to repeal an act entitled an act to alter and amend an act entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners, also to incorporate the town of Grooverville, Brooks county, and for other purposes. and to revive the 12th section of said last above recited act.

Mr. Kenan, moved that when the Senate adjourn it will be until to-morrow morning at 10 o'clock, which motion was agreed to.

The following bills of the House of Representatives were read the first time to-wit:

A bill to change the line between the counties of Muscogee and Chattahoochee so as to make the Upatoi Creek to the Chattahoochee river the dividing line.

A bill for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to the military organizations of this State, in the State or Confederate States armies.

A bill to authorize His Excellency the Governor to issue and negotiate the bonds of the State whereby to raise money for the payment of the public debt, and interest thereon, and meet appropriations made and to be made by the General Assembly, and to provide a security for the same.

A bill to incorporate the Gate City Insurance Company.

A bill to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon.

A bill to establish the Southern Bank of America.

A bill to authorize the Justices of the Inferior Court of Randolph county to issue bonds for certain purposes.

A bill to incorporate the Eagle & Phoenix Manufacturing Company, of Columbus, Georgia.

A bill to confer upon the Justices Courts of the State of Georgia criminal jurisdiction in all cases of larceny where the amount of the theft is not over twenty dollars, and to prescribe punishment for the same.

A bill to amend and alter the laws of this State in relation to apprentices.

A bill to incorporate the Steam Cotton Mill Company.

A bill for the relief of John S. Edmundson, of the county of Wilkes, and for other purposes.

A bill to allow Executors to resign their trusts.

A bill to authorize the Chatham Academy, the Free School and the Union Society to sell their interest in certain vacant lands in Chattham county, appropriated by them by an act of the General Assembly, assented to December 29, 1829, and for other purposes.

A bill to define and provide for proving the time from which records shall be counted in cases where the recording has been or may hereafter be delayed from the want of books in the proper office.

A bill to authorize the Justices of the Peace in the 1082 district, G. M., of the county of Ware to hold their Justices Courts at Glenmore Station, No. 10, Savannah, Atlantic & Gulf Railroad, in said county.

A bill to authorize the Governor, under certain circumstances to arrest the State tax upon land for the year 1866.

A bill to increase the fees of the Clerk of the Supreme Court, Ordinaries, Clerks, Sheriffs, and other county officers.

A bill to consolidate and amend the several acts incorporating the town of Bainbridge, in the county of Decatur, and to grant certain privileges to the same.

A bill to authorize the Superintendent of the Western & Atlantic Railroad and the Treasurer of the United States to execute a bond for the payment of certain purchases from the United States, and to pledge the faith of the State for the payment thereof.

A bill to amend an act to incorporate an Insurance Company in the city of Augusta, to be called the Commercial Insurance Company of Augusta, assented to April 18, 1863.

A bill to change the lines between the counties of Laurens and Wilkinson and to add a portion of Wilkinson to Laurens, and for other purposes.

A bill to change the line between the counties of Pike and Spalding, so as to include the farm of John H. Aiken in Spalding county.

A bill to change the line between the counties of Jasper and Putnam, so as to include the residence of Cullen R. Ez-zell, Henry R. Roby and John Cardell, in the county of Jasper.

A bill for the relief of Moses G. Collins.

A bill to incorporate the Yonah Gold Company.

A bill to alter and amend part 2nd, title 6, chapter 2nd, section 2416 of the Code of Georgia.

A bill to incorporate the Augusta Mutual Insurance Company.

A bill to incorporate the Carroll Manufacturing Company, and for other purposes.

A bill to incorporate the Little River Mining Company.

A bill to allow Clerks of the Superior and Inferior Courts

of McIntosh county to keep their offices more than one mile from the Court House.

A bill to incorporate the Oostanaula Steamboat Company, with powers of Insurance.

A bill to incorporate the Franklin Mining & Manufacturing Company.

A bill to incorporate the American Insurance & Industrial Agency.

A bill for the relief of Executors, Administrators, Guardians and Trustees, and for other purposes.

A bill to compensate Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull and Samuel Barnett, Esqrs., Commissioners, &c.

A bill to incorporate the Gordon Mining & Manufacturing Company.

A bill to remit the taxes of 1864 and 1865, and for other purposes.

A bill to incorporate the LaGrange Savings Bank.

A bill to alter and amend the 648th section of the Code.

A bill to alter and amend section 1290 of the Code of Georgia.

A bill to define the liabilities of Vendue Masters, in certain cases.

A bill to repeal all laws making it penal for the people of this State to receive and circulate United States currency.

A bill to incorporate the town of Springfield, to appoint commissioners for the same, and for other purposes.

A bill to increase the pay of the Compiler, and provide for the early distribution of the laws.

A bill to amend an act assented to December 12th, 1863, amendatory of the 2480th section of the revised Code of Georgia.

A bill for the relief of Milly Howard, former wife of Simon P. Howard, of Pierce county, Georgia.

A bill to incorporate the Savings Bank of Savannah.

A bill to alter the rules of evidence in certain cases.

A bill to incorporate the Brunswick & Altamaha Canal Company.

A bill to repeal so much of the 1655th section of the Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity.

A bill to alter and amend section 1307 of the 3rd article of the Code of Georgia.

A bill to repeal an act entitled an act to point out the mode of paying the fees of the Solicitor General of the Eastern Judicial District of Georgia in Chatham county, in certain cases, and for other purposes therein enumerated.

A bill to amend an act entitled an act to amend an act to incorporate the Central Railroad and Canal Company, of Georgia, to alter and change the name of the said Compa-

ny, and to give to said Company banking powers and privileges, and for other purposes therein named.

A bill making provision for a division in kind of lands belonging to the estates of deceased persons, and lying in several counties, and to protect the rights of minor distributees in the same.

A bill to alter and amend the 4435th section of the Penal Code of Georgia.

A bill to authorize the Inferior Court of Bartow county to issue bonds to raise revenue for county purposes.

A bill to alter and amend the charter of the town of Sparta, in the county of Hancock, so as to allow the commissioners thereof to increase the license fees for the retail of spirituous liquors.

A bill to incorporate the Columbus Manufacturing Company, and for other purposes.

A bill to authorize the Inferior Court of Thomas county, and of the county of Liberty, to levy and collect a tax for certain purposes.

A bill to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers, of the late Confederate and State troops, and for other purposes therein mentioned.

A bill to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the Court Houses have been destroyed, until the rebuilding of the same.

A bill to repeal an act to allow the Ordinaries of this State to charge and receive certain fees, assented to December 14th, 1863, and to authorize them to charge and receive certain fees in addition to those specified in the Code.

A bill to limit the time within which the privileges granted to incorporated companies during the present session of the General Assembly, may be exercised, and for other purposes.

A bill to alter and amend the 1629th section of the Code, to strike out 3rd provision of said section, and to add additional provisions thereto, and to repeal sections 1630 and 1631 of the Code.

A bill to incorporate the Southern Savings Bank & Commercial Agency.

On motion the Senate adjourned.

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WEDNESDAY, MARCH 7TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Butler moved to reconsider so much of the Journal



of yesterday as relates to the action of the Senate on the bill of the House of Representatives to extend the corporate limits of the city of Rome, which motion was agreed to.

Mr. Strozier moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives to change the times of holding the Superior Courts of Lee County, which motion was agreed to.

Mr. Ezzard moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives to submit the question of Penitentiary or no Penitentiary to the legal voters of the State, which motion was lost.

On motion of Mr. Butler, the rules were suspended and the Senate took up the reconsidered bill to extend the corporate limits of the city of Rome.

On motion the bill was laid on the table for the balance of the session.

The rules being suspended, on motion of Mr. Strozier, the Senate took up the reconsidered bill of the House of Representatives to change the time of holding the Superior Courts of Lee County.

On motion the same was referred to the Judiciary Committee.

Mr. Redding, from the special joint Committee to whom was referred the message of his Excellency the Governor, upon relief of the suffering poor of this State, report the following section to the general appropriation bill, which they recommend do pass, to-wit:

Sec.—*And be it further enacted, That the sum of two hundred thousand dollars, or so much thereof as shall be needed, be and the same is hereby appropriated, to be used for the purchase of corn to give bread to such widows and orphans of soldiers, and to the wounded or disabled soldiers, and to such other aged or infirm white persons as must suffer without aid, on account of their destitution and inability to work for a living. And it shall be the duty of the Justices of the Inferior Court in each County of this State, within one month from the time when they are notified of the passage of this act, to make out and forward to the Governor a statement of the number in each class within their respective Counties, who must suffer for bread unless they receive aid, and to require each soldier's widow, for herself and her children, and each guardian or person in charge of an orphan of a deceased soldier, and each person who was dependent upon a deceased soldier for support, and each soldier who is a cripple for life, and each aged or infirm white person who claims the benefit of this act, to make*

oath, that they have not the means of support, or of getting bread enough to live upon, without aid, and that they are unable by their labor to obtain bread. And said Court shall return none who fail to take this oath, and shall allow none to take it who, in their opinion, have the means of procuring bread, or are by their labor, able to earn the same. And it shall be the duty of the Governor to appoint a General Purchasing Agent for the State, who shall buy a sufficient quantity of corn, from time to time, as it is needed, to supply the actual necessity for bread. And it shall be the duty of the Justices of the Inferior Court in each County to appoint an agent or agents to aid in making out the returns, and to receive the corn from the General Purchasing Agent, and to distribute it among the suffering poor as aforesaid. But the whole matter shall be under the supervision of his Excellency the Governor, who may at any time order the discharge of any agent who is not, in his opinion, doing his duty, and he may do all other acts and make all rules and regulations necessary to furnish bread to the indigent poor, according to the intent of this Section.

The Senate having taken up the special order of the day, which was a bill for the discharge of insolvent debtors and disposition of said insolvent's property, on motion of Mr. Strozier the further consideration of the same was postponed until Saturday next.

On motion of Mr. Moore the rules were suspended and the Senate took up the reconsidered bill of the House of Representatives to authorize the payment of certain claims against the Western & Atlantic Rail Road.

The Committee on the Judiciary, to whom this bill had been referred, propose to amend the 1st section by inserting the following after the word "shall," in the 4th line from the bottom, to-wit: "submit the question of the liability of the State for the payment of the same, to his Excellency the Governor, and if he decide in favor of the claimants, the Superintendent shall," and being so amended the Committee recommend its passage.

The amendment of the Committee was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

On motion of Mr. J. F. Johnson, the Secretary was instructed to transmit the same forthwith to the House of Representatives.

Mr. O. L. Smith, from the Committee on Enrollment reported duly enrolled, and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following Resolutions and Acts, to-wit:

An act to alter and amend the 4293rd Section of the Penal Code.

An act amendatory of the law relating to the establishment of lost papers.

An act to amend the 4792nd and 4793rd Sections of the Code of Georgia, and for other purposes.

An act to authorize the rendition of certain decrees in Equity during vacation, and to legalize certain decrees already rendered.

An act to relieve securities upon bonds for criminal offences committed during the war with the United States, upon certain conditions.

An act to carry into effect the ninth clause of Section first, article fifth, of the Constitution.

An Act to incorporate the Savings Bank of Augusta.

An act to incorporate the Mining, Manufacturing, and Improvement Company.

An act to incorporate the Georgia Life & Accident Insurance Company, of the City of Atlanta.

An act to incorporate the Georgia Express Company.

Resolution consolidating select Committees.

The Senate took up the reconsidered Resolution relating to the publication of a new Code.

On motion the Resolution was disagreed to.

The Senate took up the reconsidered Resolution of the House of Representatives requiring the Superintendent of the Western & Atlantic Rail Road to report to the next General Assembly the quantity of Rail Road iron in its possession belonging to the Brunswick & Florida Rail Road.

Mr. Strozier offered the following as an amendment, to-wit :

*"Resolved, That the subject matter of the memorial of Henry S. Wells, Agent of the Brunswick & Florida Rail Road Company, not included in the foregoing Resolutions, be referred to the State Treasurer, under the direction of the Governor, who, during the recess of the Legislature, shall receive all evidence touching the said subject matter of the memorial, and report thereon to the next General Assembly."*

On motion, the Resolution was laid on the table for the balance of the session.

The Senate took up the reconsidered bill of the House of Representatives to provide for the payment of teachers of poor schools for the year 1865.

Mr. O. L. Smith moved to amend by striking out the words "Poor Schools," wherever it occurs in the title or body of the bill, and insert the words "Common Schools," which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed under the following title, to-wit :

*"A bill to be entitled an act to provide for the payment of teachers of Common Schools for the year 1865."*

On motion of Mr. Kenan the rules were suspended and he introduced the following Resolution:

*“Resolved, That a seat upon the floor of the Senate be tendered to the Hon. H. V. Johnson, during his stay in the city.”*

On motion the rules were suspended and the Resolution was taken up, read, and agreed to.

Mr. Moore, Chairman of the Committee on the Judiciary, made the following report:

*Mr. President:—*The Committee on the Judiciary have considered a bill to be entitled an Act to add an additional clause to the 1540th Section of the Code of Georgia, and propose to amend the 1st Section by adding the following proviso, to-wit:

*“Provided, Said award shall be made, and just compensation paid, before the drain or ditch is commenced.”*

Which amendment being adopted, a majority of the Committee recommend the bill be passed.

Also, a bill to be entitled an act to make it penal for any officer, agent, or other employee of any Rail Road Company in this State to charge for transporting freight, or passengers, above the rates allowed by their several Charters, and recommend it be passed.

Also, a bill to be entitled an act to alter and amend chapter fourth, article 1st, part second, title second, of the Code of Georgia, which the Committee propose to amend by adding to the 1st section the words “and recorded in the County or Inferior Court, for which the Clerk shall receive a fee of one dollar”—to strike out the 2nd Section, amend third section by striking out the words “Justice of the Peace,” and insert “Judge of the County Court, or Justice of the Inferior Court,” and to amend the fourth Section by striking out the words “Justice of the Peace,” and insert “Judge of the County Court, or Justice of the Inferior Court,” and being so amended, they recommend the bill do pass.

Also, a bill to be entitled an act to authorize any Sheriff or Constable in any County in this State, to make arrests in any County in this State, without regard to the residence of the arresting officer, and recommend it do pass.

B. B. MOORE,  
Chairman.

The Senate took up the reconsidered bill of the House of Representatives to change the times of holding the Superior Courts of Clay County, in the Pataula Circuit, and of Worth County, in the South-Western Circuit.

On motion the same was laid on the table for the present.

The Senate took up the reconsidered bill of the House of Representatives to fix the jail fees for dieting prisoners.

On motion the bill was laid on the table for the balance of the Session.

The Senate took up the reconsidered bill of the House of Representatives to add an additional clause to the 1540th Section of the Code of Georgia.

The Committee on the Judiciary, to whom this bill was referred, propose the amendment as contained in their original report, and with the adoption of the same, they recommend its passage.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill to add lots of land 224, 225, and 256, in the 13th district of originally Lee, to the County of Terrell.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the whole on the bill to authorize Dr. H. L. W. Craig, of the County of Wilcox, and all other persons similarly situated, to practice medicine in this State without a license, and for other purposes.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the whole on the bill to extend the Penal Code so as to include all persons of African descent, and repeal all laws in relation to slaves.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the whole on the reconsidered bill of the House of Representatives to make it penal for any officer, agent, or other employee of any Rail Road Company in this State to charge for transporting freight or passengers above the rates allowed by their several Charters.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of the passage of the bill.

Mr. Moore moved to amend the same by adding the following as an additional section, to the 1st section, to-wit:

Sec. 1. *The General Assembly of the State of Georgia do enact*, That the charge for transportation or conveyance shall not exceed fifty cents per hundred pounds, on heavy articles, and ten cents per cubic foot on articles of measurement, for every hundred miles, and five cents per mile for every passenger

On motion the bill was laid on the table for the present.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bill of the Senate, with an amendment thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to alter and amend the 4275th section of the fifth division of the Penal Code, also to alter and amend the 4285th section of the same division.

The Senate took up the report of the Committee of the whole on the bill for the relief of maimed soldiers who are citizens of Georgia.

On motion the bill was laid on the table for the balance of the session.

The Senate took up the Resolution authorizing the Comptroller General to audit certain claims for printing and publishing.

On motion the Resolution was agreed to.

The Senate took up the Resolution in reference to the removal and continuance of the Penitentiary.

On motion the same was laid on the table for the balance of the session.

The Senate took up the Resolution authorizing the Governor and Comptroller General to investigate and audit the claim of Seago, Palmer & Co., for corn furnished the State.

The Resolution was, on motion, disagreed to.

The Senate took up the Resolution relative to the enacting and repealing clauses of bills.

On motion the Resolution was laid on the table for the balance of the session.

The Senate took up the Resolution in reference to adjournment on the 20th February, 1866.

On motion the same was laid on the table for the balance of the session.

The Senate took up the Resolution in reference to the introduction of a foreign element in our midst.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the Committee of the whole on the bill to alter and amend chapter 4th, article 1st, part 2nd, title 2nd, of the Code of Georgia, in relation to indented servants and apprentices.

The Committee on the Judiciary to whom this bill had been referred, propose to amend the 1st section by adding the following: "And recorded in the County or Inferior Court, for which the Clerk shall receive a fee of one dol-

lar." Also, to strike out the second section. They propose also to amend the 3rd section by striking out the words "Justice of the Peace," and insert "Judge of the County or Justice of the Inferior Court." Also to amend the 4th section by striking out after the words "attested by," the words "Justice of the Peace," and insert the words "Judge of the County Court or Justice of the Inferior Court," and with these amendments they recommend the passage of the bill.

The amendments of the Committee were agreed to.

The Report of the Committee as amended was agreed to, the bill was read the third time and passed.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c., to-wit:

An act to incorporate the Vulcan Iron and Coal Company, and to confer certain powers and privileges thereon.

Also, an act supplemental to and explanatory of the the 2462nd section of the Code of Georgia relating to the administration of unrepresented estates.

Also, an act to incorporate the Dawson Manufacturing Company.

Also, an act to incorporate the Atlanta Canal and Water Works Company.

Also, Resolution requesting his Excellency the Governor to pardon and let go free Epsey Wood, a convict in the Penitentiary, from the County of Franklin.

Also, an act to amend and alter the Charter of the city of Columbus.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to authorize any Sheriff or Constable in any County in this State, to make arrests in any County in this State, without regard to the residence of the arresting officer.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts and resolutions, to-wit:

An act to authorize the Justices of the Inferior Court of the county of Bulloch to levy and collect an extra tax for the building of a Court House and bridges in said county, and for other purposes.

Also an act to revive the Military Code of the State of

Georgia, as published in the revised Code of Georgia, and to repeal all laws passed since the adoption of said Military Code inconsistent with its provisions, and for other purposes.

Also an act to change the county of Scriven from the 1st Congressional District to the 5th Congressional District.

Also an act to repeal a repealing act entitled an act to repeal an act and the acts of which it is amendatory entitled an act to provide for the indigent deaf and dumb citizens of this State, and also provide for the appointment of a commissioner, to regulate his duties, affix his salary, and appropriate money therefor by increasing annual appropriation, and for other purposes, approved Jan. 13th, 1852, assented to Dec. 15th, 1862.

Also an act to repeal so much of an act entitled an act to add a part of the county of Paulding to the county of Carroll, and a part to the county of Floyd, assented to on the 22nd day of December, 1847, as relates to lots number 520, 591 and 601, in the 1st District, 3rd Section of original Paulding county, and to add lots number 413 and 414, 1st District and 3rd Section of Paulding county, to the county of Carroll.

Also an act to authorize the Justices of the Inferior Court of Clark county to raise money for certain purposes, by an extra tax, or by the issue of bonds.

Also a resolution allowing the Secretary of State to employ a Clerk in his office for the purpose of replacing destroyed maps in the Surveyor General's office.

Also a resolution appointing a committee of sixteen to digest and report a common school system to the next session of the General Assembly, and for other purposes.

Also a resolution requesting His Excellency, the Governor, to instruct the Superintendent of the Western and Atlantic Rail Road to give certain aid to farmers and other persons upon said Rail Road.

On motion, the rules were suspended, and the Senate took up the message of the House of Representatives on the bill of the Senate to alter and amend the 4275th Section of the 5th Division of the Penal Code. Also to alter and amend the 4285th Section of the same Division, which the House of Representatives had passed with the following amendments, to-wit: insert the words "an occupied" before the word "dwelling" in the 1st Section. Also to strike out the word "the" before dwelling.

On motion, the amendments were concurred in.

The following bills were read the third time, and severally referred to the Committee on the Judiciary, to-wit:

A bill to authorize and direct the Governor to dispose by sale of certain lands belonging to the State of Georgia.

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A bill to alter and amend Sections 3576 and 4083 of the Code of Georgia.

The following bill was read the second time, to-wit :

A bill to repeal an act entitled an act to alter and amend an act to incorporate the town of Hawkinsville, to appoint commissioners for the same, and to confer certain powers on the same, and to incorporate Grooversville in Brooks county, and to revive the 12th Section of the last above recited act.

The following bills of the House of Representatives were read the second time and severally referred to the committee on new counties and county lines, to-wit :

A bill to change the county line between Spalding and Pike, so as to include the farm of John H. Akin in Spalding county.

A bill to change the line between the counties of Jasper and Putnam, so as to include the residence of Cullen R. Ezell, Henry W. Roby and John Cardell in the county of Jasper.

A bill to change the county line between the counties of Laurens and Wilkinson, and to add a portion of Wilkinson to Laurens, and for other purposes.

The following bills of the House of Representatives were read the second time, to-wit :

A bill to authorize the Inferior Court of Thomas county, and of the county of Liberty, to levy and collect a tax for certain purposes.

A bill to authorize the Inferior Court of Randolph county to issue bonds, and for other purposes.

A bill to authorize the Superintendent of the Western & Atlantic Rail Road and the Treasurer of the United States to execute a bond for the payment of certain purchases from the United States, and to pledge the faith of the State for the payment thereof.

A bill to consolidate and amend the several acts incorporating the town of Bainbridge in the county of Decatur, and to grant certain privileges to the same.

A bill to allow Clerks of the Superior and Inferior Courts of McIntosh county to keep their offices more than one mile from the Court House.

A bill to fix the amount of compensation the officers and members of the General Assembly shall receive until otherwise altered by law.

A bill for the relief of Milley Howard, former wife of Simon P. Howard, of Pierce county, Ga.

A bill to compensate Ebenezer Starnes, L. E. Bleckley, Wm. Hope Hull and Samuel Barnett, commissioners.

A bill for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to military organizations of this State, in the State or Confederate States armies.

A bill to alter and amend the charter of the town of Sparta, in the county of Hancock, so as to allow the commissioners thereof to increase the license fees for the retail of spirituous liquors.

A bill to confer upon the Justices Courts of the State of Georgia criminal jurisdiction in all cases of larceny, when the amount of the theft is not over twenty dollars, and prescribe punishment for the same.

A bill to repeal all laws making it penal for the people of this State to receive and circulate United States currency.

A bill to increase the pay of the compiler, and provide for the early distribution of the laws.

A bill to authorize the Governor, under certain circumstances to arrest the State tax upon land for the year 1866.

A bill to change the line between the counties of Muscogee and Chattahoochee, so as to make the Upatoie creek to the Chattahoochee river the dividing line.

A bill to incorporate the town of Springfield, to appoint commissioners for the same, and for other purposes therein mentioned.

Leave of absence was granted to the Senator from the 30th District for the balance of the session, on account of sickness in his family; also to the Senator from the 19th District for the balance of the session.

The following bill of the House of Representatives was read the second time, and referred to the Committee on Education, to-wit:

A bill to authorize the Chatham Academy, the Free School and the Union Society, to sell their interest in certain vacant lands in Chatham county, appropriated to them by an act of the General Assembly, assented to Dec. 29th, 1829, and for other purposes.

The following bill of the House of Representatives was read the second time and referred to the Committee on Finance, to-wit:

A bill to authorize the Inferior Court of Bartow county to issue bonds to raise revenue for county purposes.

Also the following, to-wit:

A bill to authorize His Excellency, the Governor of this State, to issue and negotiate the bonds of the State, whereby to raise money for the payment of the public debt, and interest thereon, and appropriations made and to be made by the General Assembly, and to provide a security for the same.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bill, which I am directed to transmit forthwith to this branch of the General Assembly:

A bill for raising a revenue for the political year eighteen hundred and sixty-six, and to appropriate money for the support of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

On motion, the rules were suspended, and the following bill of the House of Representatives was read the first time, to-wit :

A bill to provide for raising a revenue for the political year 1866, and to appropriate money for the support of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

The rules being suspended, Mr. Kenan introduced the following bill, which was read the first time, to-wit :

A bill to incorporate the Planters Loan and Banking Association.

The following bills of the House of Representatives were read the second time, and severally referred to the Committee on Internal Improvements, to-wit :

A bill to establish the Southern Bank of America.

A bill to incorporate the Eagle and Phoenix Manufacturing Co. of Columbus, Ga.

A bill to incorporate the Southern Savings Bank and Commercial Agency.

A bill to incorporate the Yonah Gold Co.

A bill to incorporate the Steam Cotton Mill Co.

A bill to limit the time within which the privileges granted to incorporated Companies, during the present session of the General Assembly, may be exercised, and for other purposes.

A bill to incorporate the Columbus Manufacturing Co., and for other purposes therein mentioned.

A bill to incorporate the American Insurance and Industrial Agency.

A bill to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon.

A bill to incorporate the Gordon Mining and Manufacturing Company.

A bill to incorporate the Gate City Insurance Co.

A bill to incorporate the Brunswick and Altamaha Canal Co.

A bill to incorporate the Little River Mining Co.

A bill to incorporate the Carroll Manufacturing Co., and for other purposes.

A bill to incorporate the Oostanaula Steamboat Co. with powers of Insurance.

A bill to incorporate the Franklin Mining and Manufacturing Co.

The following bills of the House of Representatives were

read the second time, and severally referred to the Committee on the Judiciary, to-wit:

A bill to alter and amend the laws of this State in relation to apprentices.

A bill for the relief of Moses G. Collins.

A bill to alter and amend Part 2, Title 6, Chapter 2, Section 2416 of the Code of Georgia.

A bill to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the Court Houses have been destroyed, until the rebuilding of the same.

A bill to define the liabilities of vendue masters in certain cases.

A bill entitled an act to allow the Ordinaries of this State to charge and receive certain fees, assented to Dec. 14th, 1863, and to authorize them to charge and receive certain fees in addition to those specified in the Code.

A bill for the relief of administrators, executors, guardians and trustees, and for other purposes.

A bill to alter and amend the 1629th Section of the Code, to strike out the 3rd provision of said Section, and to add additional provisions thereto, and to repeal sections 1630 and 1631 of the Code.

A bill to repeal so much of the 1655th Section of the Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity.

A bill to alter and amend the 648th Section of the Code of Georgia.

A bill to remit the taxes of 1864 and 1865, and for other purposes.

A bill to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned.

A bill making provision for a division in kind of lands belonging to the estates of deceased persons, and lying in several counties, and to protect the rights of minor distributees in the same.

A bill to alter and amend the 4435 Section of the Penal Code of Georgia.

A bill to authorize the Justices of the Peace in the 1082 District, G. M., in the county of Ware, to hold their Justice Courts at Glenmore, station No. 10, Savannah, Atlantic and Gulf Rail Road, in said county.

A bill to alter and amend Section 1290 of the Code of Georgia.

A bill to repeal an act entitled an act to point out the mode of paying the fees of the Solicitor General of the

Eastern Judicial District of Georgia, in Chatham county, in certain cases, and for other purposes therein enunciated.

A bill to amend an act assented to Dec. 12th, 1863, amendatory of the 2480th Section of the revised Code of Georgia.

A bill to alter and amend Section 1307 of 3rd Article of Code of Georgia.

A bill to alter the rules of evidence in certain cases.

A bill to increase the fees of the Clerks of the Supreme Court, Ordinaries, Clerks, Sheriffs and other county officers.

A bill to allow executors to resign their trusts.

A bill to define and provide for proving the time from which records shall be counted in cases when the recording has been, or may hereafter be, delayed from the books in the proper office.

A bill for the relief of John S. Edmondsan, of the county of Wilkes, and for other purposes.

The following bills of the House of Representatives were read the second time, and severally referred to the Committee on Banks, to-wit:

A bill to amend an act entitled an act to incorporate an Insurance Company in the city of Augusta to be called the Commercial Insurance Company of Augusta, assented to April 18th, 1863.

A bill to incorporate the Augusta Mutual Insurance Co.

A bill to incorporate the Savings Bank of Savannah.

A bill to incorporate the LaGrange Savings Bank.

A bill to amend an act entitled an act to amend an act to incorporate the Central Rail Road and Canal Company of Georgia, to alter and change the name of the said Company, and to give to said Company banking powers and privileges, and for other purposes therein named.

On motion, the Senate adjourned until to-morrow morning at 10 o'clock.

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THURSDAY, MARCH 8TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. O. P. Beall moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill to add lots of land 224, 225, and 256 in the 13th District of originally Lee to the county of Terrell, which motion was agreed to.

Leave of absence was granted for this day to the Senator from the 13th District, on important business.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and the Speaker of the House of Representatives, the following resolutions and acts, to-wit:

An act to alter and amend the 4275th section of the fifth division of the Penal Code, also to alter and amend the 4285 section of the same division.

Mr. Moore, Chairman of the Committee on the Judiciary made the following report:

*Mr. President:* The Judiciary Committee to whom were referred the following bills have had them under consideration, and have instructed me to report them back to the Senate with the recommendation that they do pass, to-wit:

A bill to be entitled an act to authorize and direct the Governor to dispose by sale of certain lands belonging to the State of Georgia.

Also, a bill to be entitled an act to alter and amend section 1290 of the Code of Georgia.

Also, a bill to be entitled an act for the relief of John S. Edmonson, of the county of Wilkes, and for other purposes.

Also, a bill to be entitled an act to repeal so much of the 1655 section of the Code of Georgia, as prohibits the marriage of persons within the fourth degree of consanguinity.

Also, a bill to be entitled an act to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the Court Houses have been destroyed, until the rebuilding of the same.

Also, a bill to be entitled an act to alter and amend part 2nd, title 6th, chapter 2nd, Section 2416, of the Code of Georgia.

Also, a bill to be entitled an act for the relief of Moses G. Collins, of the county of Whitfield.

Also, a bill to be entitled an act to define and provide for proving the time from which records shall be counted in cases where the recording has been, or may hereafter be delayed from the want of books in the proper office.

Also, a bill to be entitled an act to alter and amend the 4435th section of the Penal Code of Georgia.

Also, a bill to be entitled an act to remit the taxes of 1864 and 1865, and for other purposes.

Also, a bill to be entitled an act making provision for a division in kind of land belonging to the estates of deceased persons, and lying in several counties, and to protect the rights of minor distributees in the same.

Also, a bill to be entitled an act to alter the rules of evidence in certain cases.

Also, a bill to be entitled an act to alter and amend section 1307 of 3rd article of the Code of Georgia.

And a bill to be entitled an act to amend an act assented to December 12th, 1863, amendatory of the 2480th section of the revised Code of Georgia.

The committee have also considered the following bills, and recommend that they do not pass, to-wit :

A bill to be entitled an act to repeal an act entitled an act to point out the mode of paying the fees of th Solicitor General of the Eastern Judicial District of Georgia, in Chatham county, in certain cases, and for other purposes therein enumerated.

A bill to be entitled an act to alter and amend the 648th section of the Code of Georgia.

A bill to be entitled an act to authorize the Justices of the Peace in the 1082nd District, G. M., in the county of Ware to hold their Justices Courts at Glenmore Station, Number 10, on the Savannah, Atlantic & Gulf Railroad, in said county.

A bill to be entitled an act to allow Executors to resign their trusts.

And a bill to be entitled an act to define the liabilities of Vendue Masters, in certain cases.

The committee have also had under consideration a bill to be entitled an act to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned, which the committee offer to amend by inserting the words "or for any other purpose for which they have, by law, a right to collect a tax" to come in after the words "this act" in the 7th section, and with this amendment they recommend that the bill do pass.

Also, a bill to be entitled an act to increase the fees of the Clerk of the Supreme Court, Ordinaries, Clerks, Sheriffs, and other county officers, which they propose to amend by striking out "four" (dollars) in last line of first section, and inserting in lieu thereof "two" (dollars,) and as thus amended they recommend the passage of the bill.

Also, a bill to be entitled an act for the relief of Administrators, Executors, Guardians and Trustees, and for other purposes, which the committee propose to amend by striking from the first section the words "identical notes, bonds or certificates," and substituting therefor the words "same kind of currency," and with these amendments they recommend the bill be passed.

Also, a bill to be entitled an act to repeal an act entitled an act to allow the Ordinaries of this State to charge and receive certain fees, assented to December 14th, 1863, and to authorize them to charge and receive the following fees, in addition to those specified in the Code.

The first section of which they propose to amend by inserting the words "where no fees are prescribed" in 11th line, after the word "Ordinary." Also, to insert the same words in the 17th line after the word "passed." Also to amend same line by striking out "\$ 1.00" and inserting in lieu thereof "fifty cents," and with these amendments they report in favor of the passage of the bill.

Also, a bill to be entitled an act to change the time of holding the Superior Court of Lee county, which they propose to amend by striking out "May and November" and inserting in lieu thereof "January and July," and as thus amended the committee recommend that the bill do pass.

B. B. MOORE, Chairman.

Mr. Dickey, chairman *pro tem* of the committee on Finance, submitted the following report:

*Mr. President:* The committee on Finance have had under consideration the following bills of the House, to-wit:

A bill to be entitled an act to authorize His Excellency the Governor of this State to issue and negotiate the bonds of this State, whereby to raise money for the payment of the public debt, and interest thereon, and meet appropriations made, and to be made by the General Assembly, and to provide a security for the same, which they recommend do pass.

Also, a bill to be entitled an act to authorize the Interior Court of Bartow county to issue bonds to raise revenue for county purposes, which they recommend do pass.

The Senate took up the report of the committee of the whole on the bill to repeal an act entitled an act to alter and amend an act entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners, also to incorporate the town of Grooverville, Brooks county, and for other purposes, and to revive the 12th section of said last above recited act.

The report was agreed to, the bill was read the third time and passed.

The following bill was read the second time and referred to the committee on the Judiciary, to-wit:

A bill to incorporate the Planter's Loan & Banking Association.

On motion of Mr. Moore the rules were suspended and he introduced the following resolution, to-wit:

*Resolved,* That the Secretary of the Senate transmit forthwith all bills and resolutions which may be passed by the Senate, unless notice be given by a Senator at the time of the passage, of his intention to move a reconsideration.



On motion the rules were suspended, and the resolution was taken up and agreed to.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly, and I am directed to transmit the same forthwith to the Senate.

A bill to organize a County Court, define its jurisdiction, and for other purposes.

They have concurred in the amendments of the Senate to the following bills of the House of Representatives..

A bill to incorporate the North Georgia Petroleum & Mining Company, and for other purposes.

A bill to incorporate the Georgia Manufacturing & Paper Mill Company.

A bill to authorize the payment of certain claims against the Western & Atlantic Railroad.

A bill to incorporate the Muscogee Insurance & Industrial Association.

A bill for the relief of Administrators, Executors, Guardians and Trustees in certain cases.

A bill to suspend the enforcement of judgments in cases of Forcible Entry and Detainer for five days, to give parties dissatisfied with the same time to make out their writs of Certiorari.

A bill to incorporate the Grand Bay Manufacturing Company, in the county of Berrien.

A bill to incorporate the Elijay Mining Company, of Georgia.

A bill to incorporate the Lookout Valley Mining Company.

A bill to incorporate the North Western Mining Company.

A bill to incorporate the Southern Mining Company.

A bill to repeal an act entitled an act to legalize the proceedings of the southern stockholders of the Brunswick & Florida Railroad Company to change the name of said Company, and to amend the act of incorporation, to extend the Charter thereof, and to facilitate the building of said road, approved the 16th of December, 1861, to change the name of the Brunswick & Florida Railroad Company, to revive the Charter of said Company, and extend the same; and to confer upon the Brunswick & Albany Railroad Company the rights, powers, privileges and immunities which have been granted to the Macon & Brunswick Railroad Company.

A bill to compel Railroad, Steamboat and Express Com-

panies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

The House of Representatives have receded from their disagreement to the first amendment of the Senate to the following bill of the House, and have concurred in the same:

A bill to alter and amend the several acts incorporating the city of Atlanta, in Fulton county.

They refuse to concur in the Senate's amendment to the following bill :

A bill to legalize certain contracts made by Executors, Administrators, Guardians and Trustees, with persons of color and white persons, and authorize the making of such contracts in the future, and prescribe the effect of the same.

They have adopted a joint resolution allowing M. B. Quillian certain privileges in which they invite the concurrence of this branch of the General Assembly.

They have also passed the following bills:

A bill to amend the second section of an act entitled an act to incorporate the Georgia Citizens Insurance Company, assented to December 12, 1859.

A bill to legalize and make valid certain acts of Notaries Public in this State, and for other purposes.

A bill to amend the 3988th section of the Code.

A bill to amend the 3604th section of the Code.

A bill for the relief of Jasper J. Owen and William Owen of the county of Franklin.

A bill to extend the Charter of the Roswell Manufacturing Company.

Mr. Brown, chairman of the committee on New Counties and County Lines, reported that the committee have had under consideration the following bills, to-wit :

A bill to change the line between the counties of Jasper and Putnam.

A bill to change the line between the counties of Laurens and Wilkinson, and recommend that they do not pass.

Also, a bill to change the line between the counties of Spalding and Pike, and recommend the passage of the bill.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to fix the amount of compensation the officers and members of the General Assembly shall receive until otherwise altered by law.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Governor under certain circumstances to arrest the State tax upon land for the year 1866.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Inferior Court of Randolph county to issue bonds and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the line between the counties of Muscogee and Chattahoochee, so as to make the Upatoi Creek to the Chattahoochee river the dividing line.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to confer upon the Justices Courts of the State of Georgia criminal jurisdiction in all cases of larceny where the amount of the theft is not over twenty dollars, and prescribe punishment for the same.

On motion the bill was referred to the committee on the Judiciary.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Inferior Court of Thomas county, and of the county of Liberty, to levy and collect a tax for certain purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Superintendent of the Western & Atlantic Railroad and the Treasurer of the United States to execute a bond for the payment of certain purchases from the United States and to pledge the faith of the State for the payment thereof.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to compensate Ebenezer Starnes, L. E. Bleckley, W. Hope Hull and Samuel Barnett, commissioners, &c.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to allow Clerks of the Superior and Inferior Courts of McIntosh county to keep their offices more than one mile from the Court House.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the

whole on the bill of the House of Representatives for the relief of Milly Howard, former wife of Simon P. Howard, of Pierce county, Georgia.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to increase the pay of the Compiler, and provide for the early distribution of the laws.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to repeal all laws making it penal for the people of this State to receive and circulate United States currency.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter and amend the charter of the town of Sparta, in the county of Hancock, so as to allow the commissioners thereof to increase the license fees for the retail of spirituous liquors.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Casey, from the committee on Banks, to whom was referred certain bills hereinafter named, have had the same under consideration, and made the following report, to-wit:

A bill to be entitled an act to amend an act to incorporate the Central Railroad & Canal Company of Georgia, to alter and change the name of the said Company, and to give to said Company Banking powers and privileges, and for other purposes therein named.

They have had this bill under advisement, and recommend its adoption.

Also, an act to incorporate the Savings Bank of Savannah.

They have examined the provisions of this act and recommend its passage.

Also, a bill to be entitled an act to incorporate the Augusta Mutual Insurance Company.

They have had this bill under consideration and recommend its adoption.

Also, a bill to be entitled an act to amend an act to incorporate an Insurance Company in the city of Augusta to be called the Commercial Insurance Company of Augusta, assented to April 18th, 1863.

They have had this bill under consideration and recommend its passage.

Also, a bill to be entitled an act to incorporate the Lagrange Savings Bank.

They have considered this bill and recommend its adoption.

All of which is respectfully submitted.

Mr. Owens, from the committee on Internal Improvements, made the following report :

*Mr. President :* The committee on Internal Improvements, to whom was referred several bills, have instructed me to report as follows :

They have considered a bill to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon, which they recommend do pass.

A bill to incorporate the Brunswick & Altamaha Canal Company, which they recommend do pass.

A bill to incorporate the Yonah Gold Company, which they recommend do pass.

A bill to incorporate the Oostanaula Steamboat Company with powers of insurance, which they recommend do pass.

A bill to incorporate the Carroll Manufacturing Company, and for other purposes, which they recommend do pass.

A bill to limit the time within which the privileges granted to incorporated Companies during the present session of the General Assembly may be exercised, and for other purposes, which they recommend do not pass.

A bill to incorporate the Chestatee river and Long Branch Hydraulic Hose Mining Company, and propose to amend the same by striking out of the 47th and 48th lines of the 6th section the words "unless the party against whom said arbitrators find shall enter" and insert the following "from which decision of the arbitrators either party shall have the right to enter," and by striking out the 7th and 8th sections, and with these amendments they recommend its passage.

A bill to incorporate the Eagle & Phoenix Manufacturing Company, of Columbus Georgia, which they recommend do pass.

A bill to incorporate the Gate City Foundry, Car & Machine Works, in the city of Atlanta, county of Fulton, State of Georgia, which they propose to amend by inserting in the caption the word "Manufacturing," and inserting in the 12th line of the 1st section the words "for the purpose of manufacturing cars, locomotives, and all other articles made of wood and iron," and with this amendment they recommend it do pass.

A bill to incorporate the Columbus Manufacturing Company, and for other purposes therein mentioned, and propose to amend the same by striking out of the first section all after the word "provided," and with this amendment they recommend its passage.

A bill to incorporate the Little River Mining Company,

and propose to amend the same by adding at the close of the 1st section the words "the principal office of said Company shall be held and located in Green county, Georgia, until otherwise changed by the Directors of said Company," and with this amendment they recommend it do pass.

Also, a bill to incorporate the American Insurance and Industrial Agency, and propose to amend the same by inserting after the word "parties" in the next to the last line on the second page the words "not to exceed the rates of interest prescribed by law," and with this amendment they recommend its passage.

A bill to incorporate the Gate City Insurance Company, and propose to amend the same by striking out the word "fifty" in the third line of the 9th section and inserting "thirty," and with this amendment they recommend it do pass.

A bill to incorporate the Gordon Mining & Manufacturing Company, and propose to amend the same by striking out the words "ninety nine" in the 14th line of 1st section and inserting the word "thirty," and with this amendment they recommend it do pass.

A bill to incorporate the Franklin Mining & Manufacturing Company, and propose to amend the same by inserting in the 8th line of 1st section the words "the assent of the representatives and parties interested in said estate, being first obtained," and with this amendment they recommend it do pass.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the town of Springfield, to appoint commissioners for the same, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to consolidate and amend the several acts incorporating the town of Bainbridge, in the county of Decatur, and to grant certain privileges to the same.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to remit the taxes of 1864 and 1865, and for other purposes.

The committee on the Judiciary to whom this bill had been referred, reported in favor of its passage.

On motion the same was re-referred to the committee on the Judiciary.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter and amend section 1290 of the Code of Georgia.

The committee on the Judiciary to whom this bill had been referred recommend that the same be passed.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Chatham Academy, the Free School, and the Union Society to sell their interest in certain vacant lands in Chatham county, appropriated to them by an act of the General Assembly, assented to December 29th, 1829, and for other purposes.

The committee on Education to whom this bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to repeal so much of the 1655th section of the Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity.

The committee on the Judiciary, to whom the bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill:

A bill to appoint new commissioners for the town of Hardwicke, to incorporate the same, and for other purposes.

They have also passed the following bill, which I am directed to transmit forthwith to this branch of the General Assembly:

A bill for the relief of Dickinson Taliaferro, Jr., of the county of Whitfield.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Brunswick & Altamaha Canal Company.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Carroll Manufacturing Company, and for other purposes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter

and amend part 2nd, title 6, chapter 2nd, section 2416 of the Code of Georgia.

The committee on the Judiciary to whom the bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the relief of John S. Edmundson, of the county of Wilkes.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Inferior Court of Bartow county to issue bonds to raise money for county purposes.

The committee on Finance to whom this bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the relief of Moses G. Collins.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the county line between Spalding and Pike, so as to include the farm of John H. Akin in Spalding county.

The committee on New Counties and County Lines, to whom the bill was referred, reported in favor of its passage.

On motion the bill was laid on the table for the present.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to military organizations of this State in the State or Confederate States armies.

Mr. Thornton moved to strike out the words in the first section, to-wit: "one in New York, and one in Philadelphia," which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to define and provide for proving the time from which records shall be counted in cases when the recovery has been or may hereafter be delayed from the want of books in the proper office.



The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Eagle & Phoenix Manufacturing Company of Columbus, Georgia.

The committee on Internal Improvements to whom the bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the Court Houses have been destroyed, until the rebuilding of the same.

The Committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Yonah Gold Company.

The committee on Internal Improvements to whom this bill was referred reported in favor of the passage of the same.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole the bill of the House of Representatives to incorporate the Oostanaula Steamboat Company, with powers of insurance.

The committee on Internal Improvements to whom this bill was referred recommend that the same do pass.

The report was agreed to, the bill was read the third time and passed.

The Senate took up as the report of the committee of the whole the bill of the House of Representatives to incorporate the Cuthbert Manufacturing Company, and to confer certain powers upon the same.

The committee on Internal Improvements to whom this bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to change the line between the counties of Jasper and Putnam, so as

to include the residence of Cullen R. Ezell, Henry W. Roby and John Cardell, in the county of Jasper.

On motion the same was laid on the table for the balance of the session.

On motion the rules were suspended, and Mr. Gresham reported the following resolution, to-wit :

WHEREAS, A. O. Bacon, Esq., of the city of Macon, is preparing a Digest of the decisions of the Supreme Court of the State of Georgia, from volume 21 to volume 32, inclusive, and whereas, it is desirable that the Judges and County officers should be supplied with such Digest,

*Be it therefore Resolved*, That His Excellency the Governor be and he is hereby authorized to appoint a committee of three competent lawyers to examine said Digest; upon its completion, and shall report thereon to the next session of this General Assembly.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Augusta Mutual Insurance Company.

The committee on Banks to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to amend an act entitled an act to incorporate an Insurance Company in the city of Augusta to be called the Commercial Insurance Company of Augusta, assented to April 18th, 1863.

The committee on Banks to whom this bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

On motion the rules were suspended, and Mr. Butler introduced a bill to incorporate the Savings Bank of Augusta, which was read the first time.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter and amend the 4435 section of the Penal Code of Georgia.

The committee on the Judiciary to whom this bill had been referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter the rules of evidence in certain cases.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, making provisions for a division in kind of lands belonging to the estates of deceased persons, and lying in several counties and to protect the rights of minor distributees in the same.

The Committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to amend an act assented to Dec. 12th, 1863, amendatory of the 2480th section of the revised Code of Georgia.

The committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole, on the bill of the House of Representatives, to alter and amend section 1307 of 3rd article of Code of Georgia.

The committee on the Judiciary to whom the bill was referred reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to amend an act, entitled an act, to amend an act, to incorporate the Central Rail Road and Canal company of Georgia, to alter and change the name of said Company, and to give to said Company banking powers and privileges, and for other purposes therein named.

Mr. McDaniel moved to amend by adding the following as an additional section, to-wit:

Be it further enacted, That section seven of the original act of incorporation, approved 20th Dec. 1863, be stricken out, and the following inserted in lieu thereof: That all the capital of said company used in Banking, shall be subject to the same tax after the year 1871, as may be assessed and collected from time to time on other taxable property in this State.

On motion the bill was made the special order for tomorrow.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Savings Bank of Savannah.

The committee on Banks, to whom this bill was referred, reported in favor of its passage.

The report of the committee as amended was agreed to, the bill was read the third time, and a constitutional majority being required, the yeas and nays were required to be recorded, and are yeas 22, nays 11.

Those voting in the affirmative are Messrs.

Barwick, Beall, O. P., Bell, W. R., Boynton, Butler, Carter, Casey, Crawford, Daley, Dickey, Gresham, Johnson, J. F., Kenan, Manson, McDaniel, Moore, Owens, Patterson, Smith, O. L., Strickland, Thornton, Turner.

Those voting in the negative are Messrs.

Bower, England, Ezzard, Gholston, Griffin, Johnson, J. A. W., Parris, Quillian, Redding, Russell, Strozier.

Yeas 22, Nays 11 ; So the bill was passed by a constitutional majority.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Lagrange Savings Bank.

The Committee on Banks to whom the bill was referred, reported in favor of the passage of the bill.

The report was agreed to, the bill was read the third time and a constitutional majority being necessary to pass the bill, the yeas and nays were required to be recorded, and are yeas 18, nays 15.

Those voting in the affirmative are Messrs :

Beall, O. P., Bell, W. R., Boynton, Butler, Carter, Casey, Crawford, Dickey, Johnson, J. F., Kenan, Manson, McDaniel, Owens, Parris, Patterson, Smith, O. L., Thornton, Turner.

Those voting in the negative are Messrs :

Barwick, Bower, Daley, England, Ezzard, Gholston, Griffin, Gresham, Johnson, J. A. W., Moore, Quillian, Redding, Russell, Strickland, Strozier.

Yeas 18, Nays 15 ; So the bill was lost.

Mr. Moore gave notice that he would move for a reconsideration of the same on to-morrow.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit :

An act to extend the time for the completion of the Coosa and Chattooga River Rail Road.

Also, an act to authorize the Inferior Court of Richmond county to levy an extra tax for county purposes.

Also, an act to exempt from street duty all persons who now are or hereafter may become active members of either of the existing Hook and Ladder or Fire Companies of the City of Atlanta.

Also, an act to declare Olivia Kate Wallace, of the county of Morgan, the adopted child of Stephen B. Jones, late of said county deceased, so as to enable her to take and receive any property or legacy to which she may be entitled, by his last will and testament.

Also, an act to incorporate the Atlanta Mining and Rolling Mill Company.

Also, an act to regulate the distribution of the common school fund of the county of Echols, and for other purposes.

Also, an act to amend an act to incorporate the town of Brunswick, in the county of Glynn, to define its jurisdictional limits, to provide for the election of a Mayor and City Council, and such other officers as may be required, and confer upon them specific powers, and for other purposes therein mentioned.

Also, an act to change the time of holding the Inferior Court of the county of Lincoln.

Also, an act to amend the 4467th section of the Code of Georgia.

Also, an act to legalize certain marriages in this State.

Also, an act to change certain sales to be made in other counties in this State, than where such sales are now required by law and when certain kinds of property have been removed out of the State, to authorize the sales of the same in the State where it has been removed.

Also, an act to amend an act, to incorporate the Brunswick Improvement Company, passed on the 9th February 1856, and to extend the privileges of the same.

Also, an act to authorize the several Ordinaries of this State, to administer oaths, and to receive compensation therefor.

Also, an act to change the line between the counties of Murray and Gordon.

Also, an act to repeal paragraph 183 of part 1st, title 4th, chapter 1st, of the Code of Georgia.

Also, an act for the election of a Superintendent of public roads and bridges, in the counties of Wilkes, Muscogee and Lincoln, and such other counties as may adopt the provisions of this Act, and to define his rights and duties, and to repeal all laws inconsistent with this act.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills :

A bill to incorporate the town of Stilesboro', in the county of Bartow, to appoint commissioners for the same, and for other purposes.

A bill to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham county.

A bill to incorporate the Augusta and Summerville Rail Road Company.

A bill to authorize the Ordinaries of this State to issue temporary letters of Administration, and to require the party to whom issued, only to give bond and security for double the value of the property, other than real estate, and for other purposes.

A bill to authorize the Justices of the Inferior Courts of this State, to purchase a farm for paupers, and for other purposes.

A bill requiring cost to be paid in advance in certain cases.

A bill to define the liability of Executors, Administrators, Guardians and Trustees, in certain cases, and regulate the settlement with the same.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Gate City Insurance Company.

The committee on Internal Improvements having had this bill under consideration, report in favor of its passage, with the following amendment: by striking out the word "fifty" in the 3rd line of the 9th section, and insert "thirty".

The amendment was agreed to.

Mr. Strozier moved to strike out the 8th section, which motion was lost.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Gordon Mining and Manufacturing Company.

The committee on Internal Improvements, to whom this bill was referred, propose to amend by striking out the words "ninety-nine", in the 14th line of the 1st section, and insert the words "thirty", and with this amendment, they recommend the passage of the bill.

The amendment of the committee was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate adjourned.

3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate took up the report of the Committee of the whole, on the bill of the House of Representatives, to incorporate the Columbus Manufacturing Company, and for other purposes.

The committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage, and propose to amend the first section by striking out all after the word "provided".

The amendment was disagreed to.

Mr. Thornton moved to strike out the words "thirty years", and insert the words "fifty years", which motion was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to authorize His Excellency the Governor of this State, to issue and negotiate the bonds of the State, whereby to raise money for the payment of the public debt, and interest thereon, and meet appropriations made, and to be made by the General Assembly, and to provide a security for the same.

The Committee on Finance to whom this bill was referred, reported in favor of its passage.

Mr. O. L. Smith moved to amend the same by striking out in the proviso of the 6th section, all between the word "act" in the 4th line, and the word "not", in the 10th line, and insert the following in lieu thereof, to-wit: "entitled an act to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, assented to December 11th, 1858, but the nett income appropriated by said act shall,"

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the American Insurance and Industrial Agency.

The committee on Internal Improvements to whom this bill was referred, propose to amend the same by inserting after the word "parties", in the next to the last line on the

second page the words "not to exceed the rates of interest prescribed by law", and with this amendment they recommend the bill do pass.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Chestatee River and Long Branch Hydraulic Hose Mining Company.

The committee on Internal Improvements to whom this bill was referred, reported in favor of its passage, with the following amendments, to-wit:

By striking out of the 47th and 48th lines of the 6th section the words "unless the party against whom said arbitrators fined shall enter", and insert the following, to-wit: "from which decision of the arbitrators either party shall have the right to enter"; also, to strike out the 7th and 8th sections.

The amendments were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Little River Mining company.

The committee on Internal Improvements, to whom this bill was referred, propose to amend the 1st section by adding at the close of the same, the words "the principal office of said Company shall be held and located in Green county Georgia, until otherwise changed by the directors of said company."

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole, on the bill of the House of Representatives, to incorporate the Franklin Mining and Manufacturing company.

The committee on Internal Improvements to whom this bill was referred, propose to amend by inserting in the 8th line of the 1st section, the words "the assent of the representatives and parties interested in said estate, being first obtained", and with this amendment, they recommend its passage.

The amendment was agreed to.



The report of the committee as amended, was agreed to the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Gate City Foundry, Car and Machine Works, in the City of Atlanta.

The committee on Internal Improvements to whom this bill was referred, propose to amend in the caption the word "Manufacturing", and insert in the 12th line of the 1st section the words, "for the purpose of manufacturing cars, locomotives, and all other articles made of wood and iron", and with these amendments, they recommend its passage.

The amendments were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed, under the following title, to-wit :

A bill to be entitled an act to incorporate the Gate City Foundry, Car, Manufacturing and Machine Works in the City of Atlanta, County of Fulton, and State of Georgia.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President :* The House of Representatives have taken up and passed over the veto of the Executive, by a constitutional majority of 121 ayes, to 7 noes, the following bill of the Senate :

A bill for the relief of the people of Georgia, and to prevent the levy and sale of property, under certain circumstances, and within a limited period.

They have also passed the following bills :

A bill to appropriate any moneys in the treasury of the county, or in the control of the Justices of the Inferior Court of Pickens, arising from the sale of cotton since the surrender of the armies of the Confederate States.

A bill to alter and amend paragraph 4424, part 4, title 1st, of the Code of Georgia.

The House of Representatives insist upon their amendment to the following bill of the Senate :

A bill to exempt from levy and sale, certain property of every debtor in this State, and for other purposes.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to increase the fees of the clerks of the Supreme Court, Ordinaries, Clerks, Sheriffs, and other county officers.

The committee on the Judiciary to whom the bill was referred, propose to amend the 1st section, by striking out

the word "four" in the last line, and insert the word "two", and with this amendment, they recommend its passage.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the reconsidered bill of the House of Representatives, to change the time of holding the Superior Court of Lee county.

The committee on the Judiciary, to whom this bill was referred, propose to strike out "May and November", and insert the words "January and July", and with this amendment, they recommend the passage of the bill.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned.

The committee on the Judiciary to whom this bill was referred, propose to amend the 7th section, by adding the following words after "this act", to-wit: "or for any other purpose for which they have by law a right to collect a tax", and with this amendment, they recommend its passage.

The amendment was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to repeal an act entitled an act to allow the Ordinaries of this State to charge and receive certain fees, assented to December 14th, 1863, and to authorize them to charge and receive certain fees in addition to those specified in the Code.

The committee on the Judiciary, to whom this bill was referred, propose to amend the 1st section by inserting the words "where no fees are prescribed", in the 11th line, after the word "Ordinary"; also, to insert the same words in the 17th line, after the word "passed"; also, to amend the same line by striking out \$1.00 and inserting "50 cents", and with these amendments, they report in favor of its passage.

The amendments were agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill to incorporate a Company for the purpose of laying down carriage Railways in certain streets of the city of Savannah; for operating the same under a grant or ordinance of City Council of said City, and for other purposes.

A bill to incorporate the Alabama and Georgia Manufacturing Company.

A bill to incorporate the Chattahoochee Manufacturing Company.

They have passed by a constitutional majority of ayes 93, noes 18, the following bill:

A bill to incorporate the Mechanics Savings Bank of Augusta.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to limit the time within which the privileges granted to incorporated companies during the present session of the General Assembly, may be exercised, and for other purposes.

The committee on Internal Improvements to whom this bill was referred, reported adversely to its passage.

The report was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to repeal an act entitled an act, to point out the mode of paying the fees of the Solicitor General, of the Eastern Judicial District of Georgia, in Chatham county, in certain cases, and for other purposes therein enumerated.

The committee on the Judiciary, to whom this bill was referred, having reported adversely to its passage, the same was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to authorize the Justices of the Peace in the 1082d District G. M., in the county of Ware, to hold their Justice Courts at Glenmore Station, Number 10, Savannah, Atlantic, and Gulf Rail Road in said county.

The committee on the Judiciary, to whom the bill was referred, reported adversely to its passage.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to define the liabilities of vendue masters in certain cases.

The committee on the Judiciary to whom this bill was referred reported the same back to the Senate with the recommendation that it do not pass.

The report of the committee was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to alter and amend the 648th section of the Code of Georgia.

The committee on the Judiciary to whom this bill was referred, reported against its passage.

The report was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to allow Executors to resign their trusts.

The Judiciary committee reported against the passage of the bill.

The report was agreed to, and the bill was lost.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to change the county lines between the counties of Laurens and Wilkinson, and to add a portion of Wilkinson to Laurens, and for other purposes.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, for the relief of Administrators, Executors, Guardians and Trustees, and for other purposes.

The Committee on the Judiciary, to whom this bill had been referred, propose to amend the 1st section by striking out the words "identical notes, bonds or certificates", and inserting in lieu thereof, the following, to wit: "same kind of currency", and with this amendment, they recommend its passage.

The amendment of the committee was agreed to.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the resolution of the House of Representatives, allowing M. P. Quillian certain privileges.

On motion of Mr. Redding the same was concurred in.

The Senate took up the Message of the House on the bill of the Senate, to exempt from levy and sale, certain property of every debtor in the State, and for other purposes.

Mr. J. A. W. Johnson moved that the Senate do adhere to its disagreement to the amendments of the House of Rep-

representatives, and that a committee of conference between the two houses be invited, which was agreed to.

The committee appointed upon the part of the Senate consists of Messrs. Moore, Strozier and J. A. W. Johnson.

The Senate took up the Message of the House in relation to the action of the Senate on the bill of the House of Representatives, to legalize certain contracts made by Executors, Administrators, Guardians and Trustees, with persons of color, and white persons, and authorizes the making of such contracts for the future, and prescribe the effect of the same.

On motion the Senate insisted upon its amendment.

The Senate took up the message of the House of Representatives, in reference to the bill to organize a County Court, define its jurisdiction, and for other purposes.

The Senate concurred in the several amendments of the House, except the amendment striking out "Chatham" in the 45th section, in which last mentioned amendment they refuse to concur.

The following bills of the House of Representatives, were read the second time, and severally referred to the committee on the Judiciary, to-wit :

A bill to regulate testimony in case of common carriers.

A bill for raising a revenue for the political year 1866, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

The following bills of the House of Representatives were read the first time, to-wit :

A bill to incorporate the Augusta and Summerville Rail Road Company.

A bill to authorize the Justices of the Inferior Courts of this State to purchase a farm for Paupers, and for other purposes.

A bill to amend an act entitled an act to incorporate the Georgia Citizens Insurance Company, assented to December 12th, 1859.

A bill to appoint new commissioners for the town of Hardwick, to incorporate the same, and for other purposes.

A bill to extend the charter of the Roswell Manufacturing Company.

A bill to alter and amend paragraph, 4424 part 4, title 1st, of the Code of Georgia.

A bill to appropriate any moneys in the treasury of the county, or in the control of the Justices of the Inferior Court of Pickens, arising from the sale of cotton since the surrender of the armies of the Confederate States.

A bill to define the liability of Executors, Administrators, Guardians and Trustees, in certain cases, and regulate the settlement with the same.

A bill requiring cost to be paid in advance in certain cases.

A bill to legalize the appointment of L. J. B. Fairchild by the Justices of the Inferior Court of Chatham county, as County Treasurer of said county.

A bill to incorporate the town of Stilesboro in the county of Bartow, to appoint commissioners for the same, and for other purposes.

A bill for the relief of Dickerson Taliaferro, of Whitfield county.

A bill for the relief of Jasper J. Owen, of the county of Franklin.

A bill to legalize and make valid certain acts of Notaries Public, and for other purposes.

A bill to amend the 3604th section of the Code.

A bill to amend the 3988th section of the Code.

A bill to incorporate a company for the purpose of laying down carriage Railways in certain streets of the city of Savannah, for operating the same under a grant or ordinance of City Council of said City, and for other purposes.

A bill to incorporate the Mechanics Savings Bank of Augusta.

A bill to incorporate the Chattahoochee Manufacturing Company.

A bill to incorporate the Alabama and Georgia Manufacturing Company.

On motion the Senate adjourned, until to-morrow morning at 9½ o'clock.

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FRIDAY, MARCH 9TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Moore moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives, to incorporate the La-Grange Savings Bank, which motion was agreed to.

Mr. Thornton moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives to define the liabilities of vendue masters in certain cases, which motion was agreed to.

Mr. Owens, from the Committee on Internal Improvements, submitted the following report:

*Mr. President*:—The Committee on Internal Improvements, to whom were submitted several bills, have considered the same, and instruct me to report,

“A bill to be entitled an act to incorporate the Steam Cotton Mills Co.,” which they recommend do pass.

Also “a bill to be entitled an act to incorporate the Southern Savings Bank and Commercial Agency,” which they recommend do pass.

Also “a bill to be entitled an act to establish the Southern Bank of America,” which they recommend do pass.

Respectfully submitted.

GEO. S. OWENS,  
Chairman.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit:

An act for the relief of Moses G. Collins.

Also an act to repeal an act entitled an act to legalize the proceedings of the Southern stockholders of the Brunswick and Florida Rail Road Company, to change the name of said Company, and to amend the act of incorporation, to extend the charter thereof, and to facilitate the building of said Road, approved the 16th of December, 1861, to change the name of the Brunswick and Florida Rail Road Company, to revive the charter of said Co., and extend the same, and to confer upon the Brunswick and Albany Rail Road Co. the rights, powers, privileges and immunities which have been granted to the Macon and Brunswick R. Road Company.

Also an act to amend an act entitled an act to incorporate an Insurance Company in the city of Augusta, to be called the Commercial Insurance Company of Augusta, assented to April 18th, 1863.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have passed the following bills:

A bill to regulate the manner of convicts laboring upon public works, and define the powers and duties of the Inferior Court, and Governor of the State, touching the same, and for other purposes therein mentioned.

A bill for the relief of George Cox of the county of Whitfield.

They have passed the following bill by a constitutional majority of ayes 85 and noes 15:

A bill to incorporate the City Loan Association and Savings Bank of Augusta.

They have passed the following bills of the Senate:

A bill to allow the redemption of real estate, sold under execution, within a specified time.

A bill to incorporate the Columbus Rail Road Co., and for other purposes.

A bill to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

A bill to amend the 1350th Section of the Code of Georgia.

A bill to add an additional Clause to the 2531st Section of the Code.

A bill to prescribe and regulate the relation of husband and wife between persons of color.

They have passed a substitute for the following bill of the Senate, in which they invite the concurrence of this branch of the General Assembly.

A bill to exonerate Sheriffs and their deputies, and other collecting officers, from liability in certain cases.

They have concurred in the amendments of the Senate to the following bills of the House of Representatives:

A bill to provide for the payment of teachers of poor schools for the year eighteen hundred and sixty-five.

A bill to add an additional clause to the 1540th Section of Article 2nd, Chapter 7th, Part 1st, Title 16th of the Code of Georgia.

A bill for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to military organizations of this State, in the State or Confederate States armies.

A bill to incorporate the Gordon Mining and Manufacturing Company.

A bill to incorporate the Gate City Insurance Company of the city of Atlanta.

They have passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to amend the several acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city.

A bill to organize and establish an Orphan's Home in this State.

They have receded from their disagreement to the Senate's amendment to the following bill of the House of Representatives, and have concurred in the same.

A bill to legalize certain contracts made by Executors, Administrators, Guardians and Trustees with persons of color and white persons, and authorize the making of such contracts in the future, and prescribe the effect of the same.

They have rejected the following bills of the Senate:

A bill to amend the tax laws of this State, and to define



the duties of the receivers of tax returns, and the Comptroller General, in certain cases.

A bill to require certain persons exempt from Jury duty to serve as tales Jurors in certain cases.

A bill to define the rights of persons owning landings or timber yards upon water courses in this State, to fix the rate of charges, and to authorize the collection of the same.

A bill to alter and amend Sections 585, 594, 602, and to repeal Section 588 of the Code of Georgia.

A bill to amend the several laws of this State regulating the administration of estates of deceased persons in certain cases therein mentioned.

A bill to reduce the bonds of the Sheriffs of certain counties herein named.

The House of Representatives having adhered to their substitute for the bill of the Senate "to exempt from levy and sale certain property of every debtor in this State, and for other purposes," unite with the Senate in the appointment of a Committee of Conference, and have appointed on their part Messrs. Pottle, Stewart, Baker, Barnes and Lawson.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate the Southern Savings Bank and Commercial Agency.

The Committee on Internal Improvements, to whom the bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time, and a constitutional majority being necessary to pass the bill, the yeas and nays were required to be recorded, and are yeas 21, nays 5.

Those who voted in the affirmative are Messrs :

Barwick, O. P. Beall, Black, Boynton, Carter, Casey, Crawford, Daley, Dickey, Ezzard, J. A. W. Johnson, J. F. Johnson, Kenan, Manson, Moore, Owens, Parris, O. L. Smith, Strickland, Thornton, Turner.

Those who voted in the negative are Messrs:

Bower, England, Griffin, Quillian, Strozier.

So the bill was passed by a constitutional majority.

The Senate took up the reconsidered bill of the House of Representatives to incorporate the Lagrange Savings Bank.

Mr. Moore moved to strike out the preamble, which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and a constitutional majority being necessary to pass the bill, the yeas and nays were required to be recorded, and are yeas 21, nays 4.

Those voting in the affirmative are Messrs:

Barwick, O. P. Beall, Black, Boynton, Butler, Carter, Ca-

sey, Crawford, Daley, Dickey, Ezzard, J. A. W. Johnson, J. F. Johnson, Kenan, Manson, Moore, Owens, Parris, Strickland, Thornton, Turner.

Those voting in the negative are Messrs :

Bower, England, Griffin, Strozier.

So the bill was passed by a constitutional majority.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bill :

A bill to incorporate the Dalton Medical College, and for other purposes therein mentioned.

They have adopted a substitute for the following joint resolution from the Senate, in which they invite the concurrence of this branch of the General Assembly :

A resolution to authorize His Excellency, the Governor, to appoint commissioners to select a site for the Penitentiary, and contract for the purchase thereof.

Mr. Moore, from the Judiciary Committee, made the following report :

*Mr. President* :—The Judiciary Committee, to whom were referred sundry bills, have had them under consideration, and direct me to report thereon as follows :

“A bill to be entitled an act to incorporate the Planters Loan and Banking Association,” which the Committee propose to amend by adding the following persons, citizens of this State, to the corporators named in the bill, to-wit: Jno. Richardson, John Jackson, E. S. Greenwood, Thos. Harde- man, Jr., Robert Parris, Robert H. May and H. B. Plant, and with this amendment they recommend that the bill be passed.

Also “a bill to be entitled an act to regulate testimony in case of common carriers,” which they recommend do pass.

Also “a bill to be entitled an act to confer upon the Justices Courts of the State of Georgia criminal jurisdiction in all cases of larceny, when the amount of the theft is not over twenty dollars, and prescribe punishment for the same,” which they recommend do not pass.

Also “a bill to be entitled an act to alter and amend the 1629 Section of the Code. to strike out the 3rd provision of said Section, and to add additional provisions thereto, and to repeal Sections 1630 and 1631 of the Code,” which they recommend do pass.

Also “a resolution in relation to the appointment of a Committee to examine and report on a digest of the decisions of the Supreme Court of Georgia, now in preparation by A. O. Bacon, Esq.,” which the recommend do pass.

They have also reconsidered the "bill to be entitled an act to remit the taxes of 1864 and 1865, and for other purposes," and adhere to their former report in favor of its passage.

B. B. MOORE,

Chairman.

The Senate took up the reconsidered bill to add lots of land Nos. 224, 225 and 256, in the 13th District of originally Lee, to the county of Terrell.

The report of the Committee was agreed to, and the bill was passed.

The Senate took up the reconsidered bill of the House of Representatives, to define the liabilities of vendue masters in certain cases.

Mr. Strozier moved to amend the 1st Section by adding the following, to-wit: "knowing the same to be stolen."

Mr. J. A. W. Johnson called for the previous question, which was seconded, and the main question was ordered to be put, and was decided in the affirmative.

The amendment of Mr. Strozier was disagreed to.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to establish the Southern Bank of America.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to.

On motion, the bill was re-committed, and Mr. Bedford moved to strike out the following words in the 12th Section, to-wit: "But no proceedings shall be taken without a special resolution of the Legislature of the State of Georgia, directing the same to be done," which motion was agreed to.

The report of the Committee as amended was agreed to.

The bill was read the third time, and a constitutional majority being necessary to pass the same, the yeas and nays were required to be recorded, and are yeas 24, nays 2.

Those voting in the affirmative are Messrs :

Barwick, Bedford, O. P. Beall, Black, Bower, Boynton, Butler, Carter, Casey, Daley, Dickey, Ezzard, J. A. W. Johnson, Kenan, Manson, Moore, Owens, Parris, Russell, O. L. Smith, Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs :

England, Quillian.

So the bill was passed by a constitutional majority.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to remit the taxes of 1864 and 1865, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, reported favorably to its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to regulate the testimony of common carriers, in certain cases.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was disagreed to, the bill was read the third time and lost.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to confer upon the Justices' Courts of the State of Georgia criminal jurisdiction in all cases of larceny, where the amount of the theft is not over twenty dollars, and prescribe punishment for the same.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The Report of the Committee was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to alter and amend the 1629th section of the Code, to strike out the 3rd provision of said section, and to add additional provisions thereto, and to repeal sections 1630 and 1631 of the Code.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the special order, which was the report of the Committee of the whole on the bill of the House of Representatives to amend an act entitled an act to amend an act to incorporate the Central Rail Road & Canal Company of Georgia, to alter and change the name of said Company, and to give to said Company banking powers and privileges, and for other purposes therein named.

Mr. Moore moved to amend the amendment offered by Mr. McDaniel on yesterday by striking out the words "capital of said Company used in banking," and insert in lieu thereof, the words "taxable property of said Company," which motion was agreed to.

Mr. Moore moved further to amend the same by striking out the words "section seven of the original act," and insert the words "section eighteen of the amended act," which was agreed to.

The amendment as amended was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and a Constitutional ma-

majority being necessary to pass the bill, the yeas and nays were required to be recorded. and are yeas 23, nays 5.

Those voting in the affirmative are Messrs:

Barwick, Bedford, Bell, W. R., Bower, Boynton, Dickey, England, Ezzard, Griffin, Johnson, J. A. W., Johnson, J. F., Manson, Moore, Owens, Parris, Quillian, Redding, Russell, Smith, O. L.; Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs.

Beall, O. P., Black, Butler, Casey, Crawford.

So the bill was passed.

The Senate took up the report of the Committee of the whole on the bill of the House of Representatives to incorporate the Steam Cotton Mill Company.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the special order of the day, which was the consideration of the reconsidered bill to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the city of Macon, approved March 6th, 1856."

Mr. J. A. W. Johnson offered the following proviso to the 1st section, to-wit:

*"Provided, That the City Council of Macon shall pay into the State Treasury, for the use of the Georgia State Orphan Home, the sum of five thousand dollars, on the 1st day of June, 1866, and five thousand dollars on the first day of June, 1867. If these payments are made, the State of Georgia hereby relinquishes all claim to a contingent reversionary interest in said reserve."*

Pending the consideration of the same, the Senate adjourned.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

The Senate resumed the unfinished business of the morning, which was the consideration of the proviso offered by Mr. J. A. W. Johnson to the bill reconsidered to amend an act entitled an act to vest that portion of land below the city of Macon, known as the "State's Reserve," in the corporate authorities of the City of Macon, approved March 6th, 1856.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question "shall the bill now pass?" the yeas and nays were required to be recorded, and are yeas 13, nays 15.

Those voting in the affirmative are Messrs :

Black, Butler, Casey, Crawford, Dickey, Ezzard, Griffin, Gresham, Johnson, J. A. W., Moore, Owens, Smith, O. L., Thornton.

Those voting in the negative are Messrs :

Barwick, Bower, Boynton, Carter, Daley, England, Johnson, J. F., Kenan, Parris, Quillian, Redding, Russell, Strickland, Strozier, Turner.

So the bill was lost.

By unanimous consent of the Senate Mr. Kenan withdrew the bill reported by himself to authorize and direct the Governor to dispose by sale of certain lands belonging to the State of Georgia.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives have passed the following bill of the Senate :

A bill to donate the Okefenokee Swamp Lands belonging to the State of Georgia, as a permanent endowment to the "Georgia State Orphan Home."

They have passed the following bill of the Senate, with an amendment thereto, in which they invite the concurrence of this branch of the General Assembly :

A bill to repeal the two thousand six hundred and thirty-fifth (2635th,) section of the Code, and to substitute another in lieu thereof.

The House insists upon its amendments to the following bill of the Senate:

A bill to organize a County Court, define its jurisdiction, and for other purposes.

Mr. O. L. Smith, from the Committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts:

An act to prescribe and regulate the relation of husband and wife, between persons of color.

An act to add an additional clause to the 2531st section of the Code.

An act to amend the 1350th section of the Code of Georgia.

An act to prescribe and regulate the relation of parent

and child among persons of color in this State, and for other purposes.

An act to allow the redemption of real estate sold under execution within a specified time.

An act to incorporate the Columbus Rail Road Company, and for other purposes.

The following Message was received from His Excellency, the Governor, by Mr. Hunter, his Secretary :

*Mr. President* :—The Governor has approved and signed the following acts, to-wit :

An act to incorporate the Savannah Steam Boat Company, with powers of Insurance.

An act to incorporate the Wahatchee Mining Company.

An act amendatory of the law relating to the establishment of lost papers.

An act to relieve securities upon bonds for criminal offences committed during the war with the United States, upon certain conditions.

An act to incorporate the Georgia Express Company.

An act to incorporate the Georgia Life and Accident Insurance Company, of the city of Atlanta.

An act to incorporate the Mining, Manufacturing, & Improvement Company.

An act to carry into effect the ninth clause of section first article fifth, of the Constitution.

An act for the pardon of John W. Martin, now confined in the Penitentiary for the crime of murder.

An act to prevent the illegal seizure, detention, or removal of property in this State, and to prescribe the punishment for the same.

An act to alter and amend the 4275th section of the fifth division of the penal code, also to alter and amend the 4285th section of the same division.

Also, a Resolution to make the Senate and House Committees of five each, to whom was referred the Governor's Message relative to providing corn for the destitute, a joint Committee.

Mr. Owens gave notice that he would move to reconsider so much of the Journal as relates to the action of the Senate on the bill of the House of Representatives to amend an act entitled an act to amend an act to incorporate the Central Rail Road & Canal Company of Georgia, to alter and change the name of said Company, and to give said Company banking privileges, and for other purposes therein named.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof :

*Mr. President* :—The House of Representatives have passed the following bills of the Senate :

A bill to authorize the transfer of all civil cases now on the dockets of the Inferior Courts, to the County Courts.

A bill accepting for the State of Georgia the donation by the United States of certain lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts, by acts of Congress approved severally July 2nd, 1862, and April 14th, 1864, and for other purposes therewith connected.

A bill to amend an act entitled an act to authorize married women to deposit money in Savings Banks or Institutions now chartered, or which may hereafter be chartered by this State, and for other purposes therein mentioned, assented to December 16th, 1861.

They passed the following bill of the Senate, with an amendment thereto, in which they ask the concurrence of this branch of the General Assembly :

A bill to define and regulate Court Contracts, and prescribe the manner of enforcing the same in the County Courts.

They have rejected the following bill of the Senate:

A bill to authorize the introduction of oral evidence, to establish advancements of real estate in certain cases, and to define the mode of procedure whereby the title to said estate may be secured and quieted.

The Senate took up the report of the Committee of the whole on the bill to incorporate the Planter's Loan & Banking Association.

The Committee on the Judiciary, to whom this bill was referred, propose to amend the names following to the corporators, as additional to those mentioned in the bill, to-wit: John Richardson, John Jackson, of Albany, E. S. Greenwood, Thomas Hardeman, Jr., Robert Parris, Robert H. May, and H. B. Plant.

The amendment was agreed to.

Mr. Owens moved to amend the 1st line of the 3rd section, after the word "shall," by adding the following words, to-wit: "have power to make advances to Planters for the purpose of developing the agricultural interests of the State upon loans, mortgages on part interest in the crops to be raised. It shall also."

The amendment was agreed to.

The report of the Committee as amended was agreed to.

On motion the bill was re-committed, and Mr. Bower offered the following proviso to the thirteenth section, to-wit:

*Provided*, That all the rights and privileges granted by this act may be withdrawn at any time when any future Legislature may see proper.

The amendment was agreed to.



The report of the Committee as amended was agreed to, the bill was read the third time and a constitutional majority being necessary to the passage of the bill, the yeas and nays were required to be recorded; and are yeas 25, nays 2.

Those voting in the affirmative are Messrs:

Barwick, Beall, O. P., Black, Bower, Boynton, Butler, Carter, Casey, Crawford, Daley, Ezzard, Griffin, Gresham, Johnson, J. A. W., Kenan, Moore, Owens, Parris, Patterson, Russell, Smith, O. L., Strickland, Strozier, Thornton-Turner.

Those voting in the negative are Messrs:

England, Redding.

So the bill was passed by a constitutional majority.

The following bill was read the second time, to-wit:

A bill to incorporate the Savings Bank of Augusta.

The following bills of the House of Representatives were read the second time, to-wit:

A bill to appropriate any money in the Treasury of the County, or in the control of the Justices of the Inferior Court of Pickens, arising from the sale of cotton since the surrender of the armies of the Confederate States.

A bill to authorize the Justices of the Inferior Courts of this State to purchase a farm for paupers, and for other purposes.

A bill to incorporate the town of Stilesboro, in the County of Bartow, to appoint commissioners for the same, and for other purposes.

A bill to incorporate the Mechanics' Savings Bank of Augusta.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on Internal Improvements, to-wit:

A bill to incorporate the Alabama & Georgia Manufacturing Company.

A bill to incorporate a Company for the purpose of laying down carriage rail ways in certain streets of the city of Savannah, for operating the same under a grant or ordinance of the City Council of said city, and for other purposes.

A bill to incorporate the Augusta & Summerville Rail-Road Company.

A bill to incorporate the Chattahoochee Manufacturing Company.

A bill to extend the charter of the Roswell Manufacturing Company.

A bill to appoint new commissioners for the town of

Hardwick, to incorporate the same, and for other purposes.

A bill to amend an act entitled an act to incorporate the Georgia Citizen's Insurance Company. assented to December 12th, 1859.

The following bills of the House of Representatives were read the second time and severally referred to the Committee on the Judiciary, to-wit:

A bill for the relief of Dickerson Taliaferro, of Whitfield County,

A bill requiring cost to be paid in advance in certain cases.

A bill for the relief of Jasper J. Owen, and William Owen, of the County of Franklin.

A bill to amend the 3604th section of the Code.

A bill to legalize and make valid certain acts of Notaries Public in this State, and for other purposes.

A bill to amend the 3988th section of the Code.

A bill to alter and amend paragraph 4424, part 4th, title 1st, of the Code of Georgia.

A bill to define the liability of Executors, Administrators, Guardians, and Trustees, in certain cases, and regulate the settlement with the same.

A bill to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham County, as Treasurer of said County.

The following bills of the House of Representatives were read the first time, to-wit:

A bill to incorporate the Dalton Medical College, and for other purposes therein mentioned.

A bill to regulate the manner of convicts laboring upon public works, and define the powers and duties of the Inferior Court and Governor of the State touching the same, and for other purposes therein mentioned.

A bill for the relief of George Cox, of the County of Whitfield.

A bill to incorporate the City Loan Association & Savings Bank of Augusta.

A bill to authorize the Ordinaries of this State to issue temporary letters of administration, and to require the party to whom issued only to give bond and security for double the value of the property other than real estate, and for other purposes.

On motion the Senate adjourned until 9 ½ o'clock to-morrow morning.

SATURDAY, MARCH 10TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

Mr. Owens moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the bill of the House of Representatives, to amend an act entitled an act to amend an act to incorporate the Central Rail Road and Canal Company of Georgia; to alter and change the name of said company and to give to said company banking powers and privileges, and for other purposes therein named, which motion was agreed to.

On motion the rules were suspended, and the bill was taken up, and laid on the table for the balance of the session.

Leave of absence was granted to the Senator from the 5th District, until Monday next, on account of indisposition.

Also, to the Senator from the 1st District, after to-day, for the balance of the session, on account of important business.

Mr. Moore, Chairman of the committee on the Judiciary, made the following report :

*Mr. President* :—The Judiciary committee to whom were referred certain bills, have had them under consideration, and instruct me to report thereon as follows :

A bill to be entitled an act to legalize and make valid certain acts of Notaries Public in this State, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to amend the 3604th section of the Code, which they recommend do not pass.

Also, a bill to be entitled an act to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham county as county Treasurer of said county, which they recommend do pass.

Also, a bill to be entitled an act for the relief of Jasper J. Owen and William Owen of the county of Franklin, which they recommend do pass.

Also, a bill to be entitled an act for the relief of Dickerson Taliaferro Jr., of Whitfield county, which they recommend do pass.

Also, a bill to be entitled an act requiring cost to be paid in advance in certain cases, which they propose to amend by striking out the 3rd section, and with this amendment, they recommend that the bill do pass.

Also, a bill to be entitled an act to amend the 3988 section of the Code, which they recommend do pass.

Also, a bill to be entitled an act to define the liability of Executors, Administrators, Guardians and Trustees, in cer-

tain cases, and regulate the settlement of the same, which they recommend do pass.

Also, a bill to be entitled an act to alter and amend paragraph 4424, part 4, title 1, of the Code of Georgia, which they propose to amend by striking out "five" in 10th line of 1st section, and inserting in lieu thereof "*one*", and as thus amended, they recommend the passage of the bill,

Also, a bill to be entitled an act to enable the Judges of the Superior and Inferior Courts of this State to fill vacancies by the appointment of Trustees in certain cases; the 1st section of which they propose to amend as follows: 1st, insert "*Judge of the*" after "*the*" in the 8th line. 2d, strike out, "*or Inferior*" from same section, and same line. 3d, in 9th line strike out "*counties or*". 4th, in 12th line strike out "*either of said Courts*" and insert in lieu thereof "*said Judge*". With these amendments, they recommend the bill be passed.

Also, a bill to be entitled an act for raising a revenue for the political year 1866, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

The committee propose to amend the 3rd section of this bill by striking out "thirty thousand dollars" as a contingent fund, and substituting therefor, "*twenty thousand dollars*". Also, to amend same section by striking out "sixteen hundred dollars" in 3rd and 4th line from bottom, and inserting "twelve hundred dollars" to pay State House Guard.

Also, to amend 6th section, by striking out "and the same mileage to each of said Doorkeepers and Messengers as is paid to the members of the General Assembly."

Also, to amend 14th section by striking out all after the words "Clerk in the Treasurer's office", and inserting in lieu thereof, the following, "and the sum of twelve hundred dollars to pay the Clerk in the Comptroller's office".

Also, to strike out 15th and 16th sections.

Also, to strike out 18th section.

Also, to strike out 21st section, and insert in lieu thereof the following: "Be it further enacted, that the sum of five hundred dollars each, be appropriated to pay the salaries of John B. Weems, Secretary of the Senate, and James D. Waddell, Clerk of the House of Representatives, as prescribed by law.

Also, to amend 23d section by striking out "nine" dollars per day. and inserting "six" dollars.

Also, to amend 27th sec. by striking out "twelve" hundred dollars, and inserting "eight" hundred dollars.

Also, to amend 28th sec. by inserting after "twenty thou-

sand dollars" the words "or so much thereof as may be necessary".

Also, to strike out 32d section.

Also, to amend 35th sec. by striking out "eight" thousand dollars, and inserting "five" thousand dollars.

Also, to amend 36th sec. by striking out "Confederate Treasury notes", and also, by striking out "and other uncurrent notes".

Also, to add three additional sections, as follows:

Sec. Be it further enacted, That the sum of ten thousand dollars be, and the same is hereby appropriated for the Georgia State Orphan Home.

Sec. Be it further enacted, That the sum of two hundred and fifty dollars be appropriated to pay John B. Weems Secretary of the Senate, for expenses and labor in copying and having printed the Freedmen's Code, under a resolution of the Senate.

Sec. And be it further enacted, that the sum of \_\_\_\_\_ dollars, or so much thereof as may be necessary, is hereby appropriated each, to the Secretary of the Senate, and Clerk of the House of Representatives to defray the contingent expenses of their respective offices, at the present session of the General Assembly".

And with the adoption of these amendments they recommend that the bill be passed.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill:

A bill to incorporate the Georgia Land and Lumber Company.

They have passed the following bills of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly:

A bill to incorporate the Home Insurance Company of Atlanta.

A bill to incorporate the Trenton and Lookout Mining, Manufacturing and Petroleum Company.

A bill to incorporate the American Industrial Insurance Company.

They have rejected the following bill of the Senate:

A bill to prevent the consumption of grain by distillers and manufacturers of spirituous liquors in this State, and to provide for the seizure and confiscation of distilleries.

They have concurred in the amendments of the Senate to the following bills of the House of Representatives:

A bill to change the time of holding the Superior Court of Lee county.

A bill to incorporate the Lagrange Savings Bank.

A bill to establish the Southern Bank of America.

A bill to incorporate the "Columbus Manufacturing Company", and for other purposes therein mentioned.

A bill to incorporate the Franklin Mining and Manufacturing Company.

A bill to repeal an act entitled an act to allow the Ordinaries of this State to charge and receive certain fees, assented to Dec. 14th. 1863, and to authorize them to charge and receive the following fees, in addition to those specified in the Code.

A bill to incorporate the Little River Mining Company.

A bill for the relief of Administrators, Executors, Guardians and Trustees, and for other purposes.

A bill to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers, and indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned.

A bill to increase the fees of the Clerk of the Supreme Court, and regulating the fees of Ordinaries, Clerks, Sheriffs, and other county officers.

A bill to authorize His Excellency, the Governor of this State, to issue and negotiate the bonds of this State, whereby to raise money to meet appropriations made and to be made by the General Assembly, and to provide for the repairs and better equipment of the Western & Atlantic Rail Road, and to relieve the people of this State from the United States Land Tax, and to provide a security for the indebtedness to be created by this act, and for other purposes therein named.

A bill to incorporate the American Insurance and Industrial agency.

A bill to incorporate the Gate City Foundry, Car Manufacturing and Machine Works, in the City of Atlanta, county of Fulton, and State of Georgia.

They have agreed to a joint resolution authorizing and requesting the Governor to purchase copies of Wellborn's pamphlet of Public Laws, &c., of the present session, for certain county officers, in which they invite the concurrence of the Senate.

Also, a resolution appointing a joint sub-committee, to visit and report upon the Deaf and Dumb Asylum at Cave Springs, Floyd county, Georgia.

The committee on the part of the House are Messrs. Dodson of Catoosa, Byington of Clayton, and Spear of Sumter.

They have concurred in the following resolutions of the Senate :

A resolution authorizing the Comptroller General to audit certain claims for printing and publishing.

A resolution to authorize certain persons to cast the vote of the State in elections held by the Atlantic and Gulf Rail Road Company.

Mr. Owens, from the committee on Internal Improvements, made the following report :

*Mr. President* :—The committee on Internal Improvements have considered several bills submitted to them, and instruct me to report as follows :

A bill to be entitled an act to incorporate a Company for the purpose of laying down carriage Railways in certain streets of the City of Savannah, for operating the same under a grant or ordinance of the City Council of said city, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to appoint new Commissioners for the town of Hardwick, to incorporate the same, and for other purposes, which they recommend do pass.

Also, a bill to be entitled an act to incorporate the Augusta and Summerville Rail Road Company, which they recommend do pass.

Also, a bill to be entitled an act to extend the charter of the Roswell Manufacturing company, which they recommend do pass.

Also, a bill to be entitled an act to amend an act to incorporate the Georgia Citizens Insurance Company, which they recommend do pass.

Also, a bill to be entitled an act to incorporate the Chatahoochee Manufacturing Company, which they propose to amend by inserting after the word "concerned" in the 23rd line of the 2nd section, the words "provided the same shall in no way obstruct the main channel of said stream", and by striking out the 8th section, and with these amendments, they recommend its passage.

Also, a bill to be entitled an act to incorporate the Alabama and Georgia Manufacturing Company, which they recommend do not pass, as it locates said Company in the State of Alabama, which in the opinion of the committee, the Legislature has no right to grant.

The Senate took up the message of the House of Representatives on the bill of the House of Representatives, to organize a County Court, define its jurisdiction, and for other purposes.

On motion the Senate adhered to its disagreement to the amendment of the House of Representatives, to the 45th section of the same, so far as relates to the county of Chatham, and invited a committee of conference.

The committee on the part of the Senate, consists of Messrs. Owens, Thornton and Moore.

Mr. O. L. Smith from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to donate the Okefenokee swamp lands belonging to the State of Georgia, as a permanent endowment to the "Georgia State Orphan Home".

An act, accepting for the State of Georgia, the donation by the United States, of certain lands, to the several States and Territories which may provide colleges for the benefit of Agriculture, and the Mechanic arts, by acts of Congress, approved severally July 2d, 1862, and April 14th, 1864, and for other purposes therewith connected.

An act to amend an act to authorize married women to deposite money in Savings Banks or Institutions now chartered, or which may hereafter be chartered, by this State, and for other purposes therein mentioned, assented to Dec. 16th, 1861.

An act to authorize the transfer of all civil cases now on the dockets of the Inferior Courts, to the County Courts.

Mr. Moore, from the committee of conference appointed to consider a Senate bill to be entitled an act to exempt from levy and sale certain property of every debtor in this State, and for other purposes, and the amendment thereto by the House of Representatives, have had both under consideration, and beg leave to report a bill to be entitled an act to exempt certain property from levy and sale in this State, and for other purposes, which they recommend be passed in lieu of both the Senate and House bill.

On motion the rules were suspended, and Mr. Butler reported the following resolution :

*Resolved by the Senate,* That one hundred copies of the report of the committee appointed under resolution of the Convention, on the Financial operations of the State of Georgia, during the war, be printed for the use of the Senate.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

The Senate took up the message of the House, on the bill of the Senate, to incorporate the Home Insurance Company of Atlanta, which the House of Representatives had passed, with the following amendment, to-wit :

Strike out the word "Home", where it occurs in the bill, and insert in lieu thereof the word "citizens".

On motion the amendment was agreed to.

The Senate took up the message of the House, on the resolution of the Senate, in reference to selecting a site for the



location of the Georgia Penitentiary, which the House of Representatives had passed by the following substitute, to-wit:

*Be it Resolved*, That His Excellency the Governor, be, and he is hereby instructed to appoint three Commissioners to examine and report upon the propriety of removing the present Penitentiary, and locating it elsewhere, or of establishing an additional one. If in their judgment the same should be removed from its present location, that it shall be their duty to select some suitable and convenient location, and to ascertain upon what terms the same can be purchased, and that said Commissioners report all the facts connected with the same, to the next meeting of this General Assembly.

On motion the amendment was concurred in.

The Senate took up the message of the House, in reference to the bill of the Senate, to define and regulate Court contracts and prescribe the manner of enforcing the same in the County Courts, which the House of Representatives had passed, with the following proviso to be inserted after the word "law", in the 4th line from the top of the 2nd page, to-wit:

"Provided, that all issues of fact arising under a Court contract, by the provisions of this act, shall be tried by a jury, where either party demands it".

On motion the amendment was concurred in.

The Senate took up the message of the House, on the bill of the Senate, to incorporate the Trenton and Lookout Mining Manufacturing and Petroleum Company, which the House of Representatives had passed, with the following amendment:

Strike out the words "three hundred thousand" and insert "fifty thousand".

On motion, the amendment was concurred in.

The Senate took up the message of the House, in reference to the bill of the Senate, to repeal the 2635th section of the Code, and to substitute another in lieu thereof, which the House of Representatives had passed with the following proviso, to-wit:

"Provided that no alien shall hold or purchase more than 160 acres of land until he has declared on oath his intention to become a citizen".

On motion the amendment was concurred in.

The Senate took up the message of the House, on the bill of the Senate, to incorporate the American Industrial Insurance company, which the House of Representatives had passed, with the following, as an additional section, to-wit:

"Be it further enacted. &c., that all the stockholders of said company shall be jointly and severally bound for the debts, liabilities and losses of said Company, for the amount of stock respectively held by him or her, and when any stockholder shall transfer his stock, he shall give notice by publication in some newspaper in the place where said Company is located, for two months"

On motion the amendment was concurred in.

The Senate took up the message of the House, on the bill of the Senate, to amend the several acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the City, which the House of Representatives had passed, with the following amendment, to-wit :

To strike out in the 6th section, 16th line from bottom page, the words "portion unsold", and insert the words "the same".

On motion the amendment was concurred in.

The Senate took up the message of the House, in reference to the bill of the Senate, to organize and establish an Orphans Home in this State, which the House of Representatives had passed, with the following amendment to the 1st section, to-wit :

To strike out the words "or near the city of Atlanta or other", and insert the word "some".

On motion the amendment was concurred in.

The Senate took up the message of the House, on the bill of the Senate, to exonerate Sheriffs and their Deputies, and other collecting officers from liability in certain cases, which the House of Representatives had passed by the following substitute, to-wit :

An act for the relief of Sheriffs, Deputy Sheriffs, Attorneys at law, and other collecting officers in certain cases therein mentioned,

Section 1. The General Assembly of this State do enact, That wherever during the years 1860, 1861 and 1862 (any Sheriff, Deputy Sheriff, or other collecting officer, shall have received in good faith, in payment of fi fas in their hands, any bank bills, Confederate notes, or State issues, the same being current at the time, and no notice having been given to said officer not to receive the same, and said officer being prevented from paying over the same to plaintiff, by reason of the money being held up under an order or rule of Court or wherever) any attorney at law, (during the years aforesaid,) shall have, in good faith, received or collected for clients, any such bank bills, Confederate notes, or State issues, in payment of claims in hand, the same being current at the

time, and no notice having been given by plaintiff not to receive the same, and it further appearing that said attorney was prevented from paying over the same, or giving notice of its collection, by reason of his client living beyond the limits of the Confederate States, or by reason of the fact that he was forced to pay over the same to the Confederate States Government, under its sequestration laws—in all such cases, where said Sheriff, Deputy Sheriff, Attorney-at-law, or other collecting officer, shall be sued or ruled for the payment thereof, the Judge or Chancellor shall pass such order, judgment or decree, as shall exonerate and protect said parties from liability in the premises; Provided, that the burden of proof shall rest on the Sheriff or collecting officer aforesaid, to show that he tendered the money so collected within a reasonable time, or that he in good faith gave notice of its collection, and that the plaintiff or principal refused to receive it, or that it was out of his power to so tender or give notice.

Section 2. All laws and parts of laws militating against this act be, and the same are hereby repealed.

The substitute was adopted in lieu of the original.

On motion of Mr. Strozier, the proviso of the 1st section was stricken out.

The report of the committee as amended. was agreed to.

On motion the bill was recommitted, and Mr. Bower moved to add after the words "1862" the words "eighteen hundred and sixty-three, and eighteen hundred and sixty-four", which was agreed to.

The report of the committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill to incorporate the Savings Bank of Augusta

The report of the committee was agreed to, the bill was read the third time, and a constitutional majority being necessary to pass the bill, the yeas and nays were required to be recorded, and are yeas 25, nays 2.

Those voting in the affirmative are Messrs :

Barwick, Beall, O. P., Bell, W. R., Black, Boynton, Butler, Casey, Crawford, Dickey, Ezzard, Griffin, Gresham, Johnson, J. A. W., Johnson, J. F., Kenar, Manson, Moore, Owens, Parris, Russell, Smith, O. L., Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs.

England, Redding.

Yeas 25, Nays 2; So the bill was passed by a constitutional majority.

The Senate took up the special order of the day, which was the consideration of the report of the committee of the whole, on the bill for the discharge of insolvent debtors, and disposition of said insolvents property.

On motion the same was laid on the table for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill to regulate the relation between master and servant, and to define their liabilities.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole, on the bill to fix the amount of compensation the Members and officers of the General Assembly shall receive for their services until otherwise altered by law.

On motion the bill was indefinitely postponed.

The Senate took up the report of the committee of the whole, on the bill to define capital and minor offences by free persons of color, &c.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole, on the bill to repeal so much of the 276th section, part 1st, title 5, chapter 4th, of the Code of Georgia, as authorizes the Inferior Court of the different counties in the State, to consist of five justices, to substitute one justice in lieu thereof, to extend the jurisdiction in certain criminal cases, and to change and alter certain proceedings in said Court.

On motion the bill was indefinitely postponed.

The Senate took up the resolution in reference to the digest being prepared by A. O. Bacon, of the City of Macon.

On motion the resolution was agreed to.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate, and the Speaker of the House of Representatives, the following resolutions:

A resolution authorizing the Comptroller General to audit certain claims for printing and publishing.

A resolution to authorize certain persons to cast the vote of the state in elections held by the Atlantic & Gulf Rail Road Company.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bills:

A bill to authorize the Ordinary of Newton county to issue letters of Administration, to L. A. Whalley, a non-resident, on his giving bond and security.

A bill to prevent extortion by Express companies, and to regulate the charges of the same.

They have rejected the following bills of the Senate :

A bill to regulate the proceedings in winding up the insolvent Banks of this State, to provide for the distribution of their assets and the mode of proceeding against the stockholders thereof, for their ultimate personal liability for the redemption of their bills, and other obligations under their charters respectively, and extend to them the provisions of an ordinance passed by the people of Georgia in Convention assembled, to authorize the Courts of this State to adjust the equities between parties, to contracts made, between the 1st of June 1861, and the 1st of June 1865, and to relieve the officers from certain pains and penalties.

A bill to authorize and regulate contracts between master and servant, for labor to be performed, and for other purposes.

They have agreed to the report of the committee of conference on the bill to exempt certain property from levy and sale in this State, and for other purposes.

They have adopted a substitute for the following bill of the Senate, in which they invite the concurrence of this branch of the General Assembly.

A bill to extend the corporate limits of the town of Thomasville.

The House insists upon its amendment to the Senate bill to organize a County Court, define its jurisdiction, and for other purposes.

The Senate took up the report of the committee of conference, on the bill to exempt from levy and sale, certain property of every debtor in this State, and for other purposes, in which they propose the following as a substitute, in lieu of the original bill, and the substitute of the House of Representatives, to-wit :

An act to exempt certain property from levy and sale, in this State, and for other purposes :

Section 1. The General Assembly of the State of Georgia do enact, That the following property of every debtor (in addition to the property now exempt by law) shall be exempt from levy and sale by virtue of any process whatever, nor shall any valid lien be created thereon, except in manner as hereinafter pointed out, but shall remain for the use and benefit of the debtor, or his or her family (to-wit,)

fifty acres of land and five additional acres for each of his or her children, under the age of sixteen years, this land, together with that now exempted by law shall include the dwelling house if the value of such dwelling house and improvements, in addition to the amount now allowed by law for a dwelling house and improvements, does not exceed the sum of five hundred dollars; Provided, that none of the above land be within the limits of a city, town or village, and does not include any cotton or wool factory, saw or grist mill, or any other machinery propelled by water or steam, the value of which exceeds the sum of three hundred dollars, in addition to the amount now allowed by law for that purpose; and further provided, that such land shall not derive its chief value from any other cause than its adaptation to agricultural purposes, or in lieu of the above lands, real estate in a city, town, or village not exceeding one thousand dollars in value, in addition to the amount now allowed by law; also, one farm horse, one cow and calf, five head of hogs, and fifty dollars worth of provisions, one wagon or cart, ten head of sheep, religious and school books, family portraits, and the library of professional men in actual practice, and any donation or rewards, to the debtor for meritorious services.

Sec. 2. Be it further enacted, That nothing in this act shall be so construed as to prevent the property hereinbefore set forth, from being levied on and sold for the purchase money for the same.

Sec. 3. Be it further enacted, That all laws or parts of laws, militating against this act, be, and the same are hereby repealed.

The report of the committee was agreed to.

The Senate took up the report of the committee of the whole, on the bill to establish rules of evidence and of equity, for carrying into effect as to unexecuted contracts the provisions of an ordinance passed by the last Convention of the people of Georgia, entitled an act to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties, to contracts made but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

On motion the same was indefinitely postponed.

The Senate took up the report of the committee of the whole, on the bill for the relief of the banking institutions of this State, and the stockholders, and to repeal certain sections of the Code of Georgia.

On motion, the bill was indefinitely postponed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate the Chattahoochee Manufacturing Co.

The Committee of Internal Improvements, to whom this bill was referred, propose to amend by inserting after the word "concerned" in the 23rd line of the 22nd Section, the words "provided the same shall in no way obstruct the main channel of said stream," and also to strike out the 8th Section.

The amendments were agreed to.

Mr. Thornton moved to strike out the words "until otherwise ordered by said corporation" in the 4th and 5th lines of the 11th Section, which was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives, requiring cost to be paid in advance in certain cases.

The Committee on the Judiciary, to whom this bill was referred, propose to amend the bill by striking out the 3rd Section, and with this amendment they recommend that it do pass.

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to change the county line between Spalding and Pike, so as to include the farm of John H. Akin in Spalding county.

The Committee on New Counties and County Lines reported in favor of the passage of the bill.

On motion, the same was postponed indefinitely.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives, for the relief of Dickerson Taliaferro of Whitfield county.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

Mr. Casey, from the Committee on Banks, to whom was referred "a bill to be entitled an act to incorporate the Mechanics Savings Bank of Augusta," have had the same under consideration, and beg leave to report in favor of the passage of the bill.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to legalize and make valid certain acts of Notaries Publics in this State, and for other purposes.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the

Whole on the bill of the House of Representatives to extend the charter of the Roswell Manufacturing Co.

The Committee on Internal Improvements, to whom this bill had been referred, reported favorably to the passage of the same.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to alter and amend Paragraph 4424, Part 4th, Title 1st of the Code of Georgia.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage, and propose to amend by striking out the word "five" in the tenth line, and insert the word "one."

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the reconsidered bill of the House of Representatives to change the times of holding the Superior Courts of Clay county, in the Pataula Circuit, and of Worth county in the South-Western Circuit.

On motion, the same was indefinitely postponed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to define the liability of Executors, Administrators, Guardians and Trustees in certain cases, and regulate the settlement with the same.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to amend the 3988th Section of the Code.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the reconsidered bill of the House of Representatives to make it penal for any officer, agent or other employee of any Rail Road Company, in this State, to charge for transporting freight or passengers above the rates allowed by their several charters.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The amendment offered by Mr. Moore was disagreed to.

Mr. Moore proposed to amend as follows: by inserting after the word "rates" in the 7th line of the first Section the



words "established by the Superintendent or other officer or officers of said Rail Road."

The amendment was agreed to.

The report of the Committee as amended was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to amend the 3604th Section of the Code.

The Committee on the Judiciary, to whom this bill was referred, reported adversely to its passage.

The report was agreed to, and the bill was lost.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to authorize the Justices of the Inferior Courts of this State to purchase a farm for paupers, and for other purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives for the relief of Jasper J. Owen and Wm. Owen of the county of Franklin.

The report of the Committee on the Judiciary, to whom this bill had been referred, having been favorable to its passage, the same was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate a Company for the purpose of laying down carriage railways in certain streets of the city of Savannah, for operating the same under a grant or ordinance of the City Council of said city, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of the passage of the bill.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham county, as County Treasurer of said county.

The Committee on the Judiciary, to whom this bill was referred, reported in favor of its passage.

The Report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate the town of Stilesboro', in the county of Bartow, to appoint commissioners for the same, and for other purposes.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to enable the Judges of the Superior and Interior Courts of this State to fill vacancies by the appointment of Trustees in certain cases.

The Committee on the Judiciary, to whom this bill was referred, propose to amend by inserting the words "Judge of the" after the word "the" in the 8th line of the bill; also to insert the words "said Judge" in the 12th line of the bill after the word "to," and with these amendments they recommend that the same do pass.

The amendments were agreed to.

The report of the Committee as amended, was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to appoint new commissioners for the town of Hardwick, to incorporate the same, and for other purposes.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to appropriate any moneys in the Treasury of the county, or in the control of the Justices of the Inferior Court of Pickens, arising from the sale of cotton since the surrender of the arms of the Confederate States.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to amend an act entitled an act to incorporate the Georgia Citizens Insurance Co., assented to Dec. 12th, 1859.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives to incorporate the Augusta and Summerville R. R. Co.

The Committee on Internal Improvements, to whom this bill was referred, reported in favor of its passage.

Mr. Turner moved to amend by inserting the name of A. R. Wright as one of the corporators, which was agreed to.

The report of the Committee as amended was agreed to.

Whole on the bill of the House of Representatives to incorporate the Mechanics Savings Bank of Augusta.

The Committee on Banks, to whom this bill was referred, reported in favor of its passage.

The report of the Committee was agreed to, the bill was read the third time, and a constitutional majority being necessary to its passage, the yeas and nays were required to be recorded, and are yeas 21, nays 2.

Those voting in the affirmative are Messrs :

Barwick, Black, Boynton, Butler, Casey, Crawford, Dickey, Ezzard, Gresham, J. A. W. Johnson, J. F. Johnson, Kenañ, Manson, Moore, Parris, Patterson, Quillian, O. L. Smith, Strickland, Thornton, Turner.

Those voting in the negative are Messrs :

England, Redding.

So the bill was passed by a constitutional majority.

The following bills of the House of Representatives were read the second time, to wit :

A bill to authorize the Ordinaries of this State to issue temporary letters of administration; and to require the party to whom issued only to give bond and security for double the value of the property other than real estate, and for other purposes.

A bill to incorporate the Dalton Medical College, and for other purposes therein mentioned.

A bill to regulate the manner of convicts laboring upon public works, and define the powers and duties of the Inferior Court and Governor of the State touching the same, and for other purposes therein mentioned.

A bill to incorporate the City Loan Association and Savings Bank of Augusta.

A bill for the relief of Geo. Cox of the county of Whitfield.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof :

*Mr. President:*—The House of Representatives have passed the following bill :

A bill to add an additional Clause to Section 3621 of the Code of Georgia.

They have also passed the following bill of the Senate :

A bill to repeal Section 285, excepting the fifth Clause thereof, and also to repeal the 1st, 2nd and 3rd Clauses of Section 287 of the 1st Article, 5th Title, 4th Chapter of the Code of Georgia.

They have rejected the following bill of the Senate :

A bill authorizing the Ordinaries of Georgia to issue letters testamentary in certain cases.

They have rejected the following resolution of the Senate :

A resolution authorizing the officers of the W. & A. Rail Road to receive in payment for dues to said Road certain change bills issued by the Superintendent, under the acts of the General Assembly, assented to Dec. 17th, 1861, and April 6th, 1863.

A resolution urging the removal of the colored troops, and appointing a commission to urge the government the same.

A joint resolution appointing a committee in reference to the arsenal, &c.

A joint resolution in relation to the purchase of new books for the State Treasurer.

A resolution requesting the Governor to ascertain if State bonds will be received by the United States in payment of taxes assessed against the State.

A resolution authorizing His Excellency, the Governor, to draw his warrant upon the Treasurer in favor of the Principal Keeper, for the amount due from the State to the Penitentiary, as exhibited by the report of the Principal Keeper thereof.

A resolution requesting the Governor of this State to appoint one or more commissioners to proceed to Washington city, to lay before the President the facts connected with the Confederate Cotton Loan in this State, and the wrongs done to our people by persons professing to be Treasury agents, by the illegal seizure of cotton.

The following bills of the House of Representatives were read the first time, to-wit:

A bill to prevent extortion by Express Companies, and to regulate the charges of the same.

A bill to authorize the Ordinary of Newton county to issue letters of administration to L. A. Whaley, a non-resident, on his giving bond and security.

A bill to incorporate the Georgia Land and Lumber Company.

The Senate adjourned.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Leave of absence was granted to the Senator from the 2d District after to-day for the balance of the session, on account of sickness in his family.

The Senate took up the report of the Committee of the Whole on the bill of the House of Representatives for raising a revenue for the political year 1866, and to appropriate money for the support of the government during said year, and to make certain special appropriations, and for other

On motion, the bill was taken up by sections, and the sections to which no amendments were proposed, or objections made to be considered, was agreed to.

The Committee on the Judiciary, to whom this bill was referred, propose to amend the third section by striking out the words "thirty-thousand" and insert "twenty-thousand" in the 2nd line; also to amend the same section by striking out the words "sixteen hundred dollars," (to pay State House Guard) and to insert the words "twelve hundred dollars," which amendment as agreed to.

The Committee on the Judiciary propose to amend the 6th Section by striking out the words "and the same mileage to each of said Door-Keepers and Messengers as is paid to the members of the General Assembly," which amendment was disagreed to.

Mr. Thornton moved to amend the same Section by inserting after the word "mileage" the words "on returning from Milledgeville," which motion was agreed to.

Mr. Casey moved to amend the 10th Section by striking out the words "forty thousand" in the 12th and 13th lines, and insert the words "fifty thousand," which motion was agreed to.

Mr. Casey moved further to amend by striking out the three last lines of the same Section relating to repairs, which was agreed to.

Mr. Casey moved further to amend by striking out the 11th Section, which motion was agreed to.

Mr. Redding moved to insert as the 11th Section the report submitted by the joint select committee appointed by resolution to consider the Governor's message recommending a supply of corn to the widows and orphans of soldiers and to wounded or disabled soldiers, and to aged and infirm persons, which motion was agreed to.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives having adhered to their amendment to the bill of the Senate "to organize a County Court, define its jurisdiction, and for other purposes," unite with the Senate in the appointment of a Committee of Conference, and have on their part appointed Messrs. Russell of Chatham, Snead, Gartrell, Reese and Mallard.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and the Clerk thereof, the following acts, to-wit:

An act to change the line between the counties of Muscogee and Chattahoochee, so as to make the Upatoi creek to the Chattahoochee river the dividing line.

Also an act to allow parties time to make writs of certiorari in certain cases.

Also an act to repeal so much of the 1655th Section of the Code of Georgia as prohibits the marriage of persons within the fourth degree of consanguinity.

Also an act to incorporate the Oostanaula Steamboat Co. with powers of Insurance.

Also an act for the relief of administrators, executors, guardians and trustees in certain cases.

Also an act making provisions for a division in kind of lands belonging to the estates of deceased persons, and lying in several counties, and to protect the rights of minor distributees in the same.

Also an act to allow Clerks of the Superior and Inferior Courts of McIntosh county to keep their offices more than one mile from the Court House.

Also an act to alter and amend the charter of the town of Sparta, in the county of Hancock, so as to allow the commissioners thereof to increase the license fee for the retail of spirituous liquors.

Also an act to repeal all laws making it penal for the people of this State to receive and circulate United States currency.

Also an act to incorporate the city of Madison, to provide for its government, define its powers, and for other purposes therein mentioned.

Also an act to incorporate the Savings Bank of Savannah.

Also an act to authorize the Inferior Court of Thomas county, and of the county of Liberty, to levy and collect a tax for certain purposes.

Also an act to amend an act assented to Dec. 12th, 1863, amendatory of the 2480th Section of the revised Code of Georgia.

Also an act to define and provide for proving the time from which records shall be counted in cases when the recording has been or may hereafter be delayed from the want of books in the proper offices.

Also an act to authorize the Chatham Academy, the Free School, and the Union Society, to sell their interest in certain vacant lands in Chatham county, appropriated by an act of General Assembly, assented to Dec. 29th, 1829, and for other purposes.

Also an act to incorporate the Muscogee Insurance and Industrial Association.

Also an act to authorize the Governor, under certain circumstances, to arrest the State tax upon land for the year 1866.

Also an act to incorporate the Southern Mining Co.

Also an act for the relief of Milley Howard former wife

Also an act to authorize the Superintendent of the W. and Atlantic Rail Road and the Treasurer of the United States to execute a bond for the payment of certain purchases from the United States, and to pledge the faith of the State for the payment thereof.

Also an act to authorize the payment of certain claims against the W. and A. Rail Road.

Also an act to compel Rail Road, Steamboat and Express Companies to furnish parties receipts for articles delivered, and prescribe the penalty for refusal.

Also an act to authorize the Inferior Court of Bartow county to issue bonds to raise revenue for county purposes.

Also an act to compensate Ebenezer Starnes, L. E. Blackley, Wm. Hope Hull and Sam'l Barnett, commissioners, &c.

Also an act to alter the rules of evidence in certain cases.

Also an act to alter and amend Section 1307th of 3rd Article of the Code of Georgia.

Also an act to add an additional Clause to the 1540th Section of Article 2nd, Chapter 4th, Part 1st, Title 16th of the Code of Georgia.

Also an act to incorporate the Yonah Gold Co.

Also an act to incorporate the Eagle and Phoenix Manufacturing Co. of Columbus, Ga.

Also an act to provide for the payment of teachers of common schools for the year 1865.

Also an act to incorporate the Lookout Valley Mining Company.

Also an act to alter and amend the 4435th Section of the Penal Code of Georgia.

Also an act to incorporate the North Georgia Petroleum and Mining Co., and for other purposes.

Also an act to incorporate the Grand Bay Manufacturing Co. in the county of Berrien.

Also an act to incorporate the Carroll Manufacturing Co., and for other purposes.

Also an act to incorporate the Augusta Mutual Insurance Company.

Also an act to authorize any Sheriff or Constable in any county in this State to make arrests in any county in this State without regard to the residence of the arresting officer.

Also an act to increase the pay of the compiler, and provide for the early distribution of the laws.

Also an act to alter and amend Part 2nd, Title 6th, Chapter 2nd, Section 2416 of the Code of Georgia.

Also an act to alter and amend the several acts incorporating the city of Atlanta, in Fulton county.

Also an act to fix the amount of compensation the officers and members of the General Assembly shall receive until otherwise altered by law.

Also an act for the relief of John S. Edmondson of the county of Wilkes, and for other purposes.

Also an act to authorize the Judges of the Superior Courts of this State to designate the place of holding their Courts in those counties in which the court houses have been destroyed, until the rebuilding of the same.

Also an act to authorize the Inferior Court of Randolph county to issue bonds, and for other purposes.

Also an act to incorporate the Elijay Mining Company of Georgia.

Also an act to consolidate and amend the several acts incorporating the town of Bainbridge, in the county of Decatur, and to grant certain privileges to the same.

Also an act to incorporate the Brunswick and Altamaha Canal Co.

Also an act to incorporate the North West Mining Company.

Also an act to alter and amend Section 1290 of the Code of Georgia.

Also an act to change the time of holding the Superior Court of Lee county.

Also an act to incorporate the Gordon Mining and Manufacturing Co.

Also an act to define the liabilities of vendue masters in certain cases.

Also an act to remit the taxes of 1864 and 1865, and for other purposes.

Also an act to incorporate the Gate City Insurance Company.

Also an act to incorporate the Columbus Manufacturing Company, and for other purposes therein mentioned.

Also an act to incorporate the town of Springfield, to appoint commissioners for the same, and for other purposes therein mentioned.

Also an act to incorporate the LaGrange Savings Bank.

Also an act to legalize certain contracts made by executors, administrators, guardians and trustees with persons of color and white persons, and authorize the making of such contracts in the future, and prescribe effect of the same.

Also an act to incorporate the Georgia Manufacturing and Paper Mill Co.

Also an act to increase the fees of the Clerk of the Supreme Court, to regulate the fees of Ordinaries, Clerks, Sheriffs and other county officers.

Also an act for the relief of maimed indigent soldiers and officers, citizens of this State, who belonged to Military organizations of this State in the State or Confederate States armies.

Also an act for the relief of administrators, executors.



Also an act to authorize the Inferior Courts of the several counties to levy and collect an extra tax for the benefit of indigent soldiers and indigent families of deceased soldiers of the late Confederate and State troops, and for other purposes therein mentioned.

Also an act to incorporate the Cuthbert Manufacturing Company, and to confer certain powers and privileges thereon.

Also a resolution asking that the President will open certain mail routes in the State of Georgia.

Also a resolution allowing M. P. Quillian certain privileges.

The Committee on the Judiciary proposed to amend the 14th Section by striking out all after the words "Clerk in the Treasurer's office," and insert the following: "and the sum of twelve hundred dollars to pay the Clerk in the Comptroller's office," which was agreed to.

The Committee on the Judiciary proposed further to amend by striking out the 1st Section, whereupon the yeas and nays were required to be recorded, and are yeas 5, nays 18.

Those voting in the affirmative are Messrs:

Bower, J. A. W. Johnson, Moore, Parris, Thornton.

Those voting in the negative are Messrs:

Barwick, Boynton, Butler, Casey, Crawford, Dickey, England, Ezzard, J. F. Johnson, Kenan, Manson, Quillian, Redding, Russell, O. L. Smith, Strickland, Strozier, Turner.

So the amendment was disagreed to.

The Committee on the Judiciary proposed to amend by striking out the 16th section, which was disagreed to.

Mr. J. A. W. Johnson moved to amend the same section by striking out that portion thereof which appropriates \$500 to J. B. Estes, Clerk in the House of Representatives, which motion was agreed to.

Mr. Manson moved to amend the same section by appropriating to John B. Estes, Clerk in the House of Representatives, \$300, whereupon the yeas and nays were required to be recorded, and are yeas 9, nays 17.

Those who voted in the affirmative are Messrs:

Bell, W. R., Carter, England, Ezzard, Johnson, J. F., Kenan, Manson, Russell, Strickland.

Those voting in the negative are Messrs:

Barwick, Beall, O. P., Black, Boynton, Butler, Casey, Crawford, Dickey, Johnson, J. A. W., Moore, Parris, Quillian, Redding, Smith, O. L., Strozier, Thornton, Turner.

So the motion was lost.

The Committee on the Judiciary proposed to strike out the 18th section, which was disagreed to.

The Committee on the Judiciary proposed further to amend by striking out the 21st section and insert the following in lieu thereof, to-wit:

*"Be it further enacted, That the sum of five hundred dollars each be appropriated to pay the salaries of Jno. B. Weems, Secretary of the Senate, and James D. Waddell, Clerk of the House of Representatives, as prescribed by law for the present session of the General Assembly."*

Which motion was agreed to.

Mr. Dickey moved to amend the section as amended by adding the following words to the end of the same, to-wit:

*"And the further sum of two hundred and fifty dollars to each of said officers be appropriated as additional compensation."*

Which motion was agreed to.

Mr. Kenan moved to amend the 22nd section by striking out the words "six thousand dollars," and insert "eight thousand dollars," which motion was agreed to.

The Committee on the Judiciary propose to amend the 23rd section by striking out the words "nine dollars per day," and insert the words "six dollars per day," which was disagreed to.

Mr. O. P. Beall moved to amend the same section by inserting after the word "service," the word "actual," which was agreed to.

Mr. Strozier moved further to amend the same section by striking out the words "nine dollars" and insert the words "six dollars and fifty-cents."

On motion the question was divided and the Senate refused to strike out.

The following bill of the House of Representatives was read the first time, to-wit:

A bill to add an additional section to paragraph 8621, part 3rd, title 7th, of the penal code.

On motion the Senate adjourned until 7 o'clock, P. M.

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7 O'CLOCK, P. M.

The Senate met pursuant to adjournment, and resumed the unfinished business, which was the consideration of the General Appropriation bill by sections.

Mr. Kenan moved to amend the 24th section by striking out all after the word "Mansion," which motion was agreed to.

Mr. J. F. Johnson moved to add the following to the 25th section, to-wit:

*"And that the sum of one hundred and seventy-five dol*

lars be paid N. J. Hammond, late Solicitor General of the Coweta Circuit, for services in behalf of the defendant in the case of Dr. Sappington vs. the State of Georgia, for small pox, in the County of Troup, in said State."

Mr. O. P. Beall moved to strike out the whole section, which motion was agreed to.

Mr. O. P. Beall moved to amend the 26th section by adding to the end of the same the following words, to-wit: "And such further sum be appropriated as the Governor may find necessary to pay other parties for similar service," which motion was lost.

The Committee on the Judiciary proposed further to amend the 27th section by striking out the words "twelve hundred dollars," and insert the words "eight hundred dollars."

On motion of Mr. O. L. Smith, the question was divided and the Senate agreed to strike out.

Mr. O. L. Smith moved to fill the blank with the sum of sixteen hundred dollars, which motion was lost.

The motion to insert eight hundred dollars prevailed.

The Committee on the Judiciary proposed further to amend the 28th section by inserting after the words "twenty thousand dollars," the words "or so much thereof as may be necessary," which was agreed to.

Mr. Butler moved to amend the thirtieth section by striking out the words "five hundred dollars," and insert the words "seven hundred and fifty," which motion was lost.

The Committee appointed under the Resolution in reference to the Deaf and Dumb Asylum, consists of Messrs. C. H. Smith, and Quillian.

The Committee on the Judiciary proposed to amend by striking out the 32nd section, which was agreed to.

The Committee on the Judiciary moved further to amend the thirty-fifth section by striking out the words "eight thousand dollars," and insert the words "five thousand dollars," which was agreed to.

Also, to amend the 36th section by striking out the words "Confederate Treasury Notes." Also, by striking out the words "and other uncurrent notes," which were agreed to.

The Committee on the Judiciary proposed the following as additional sections, to-wit:

*Be it further enacted,* That the sum of ten thousand dollars be and the same is hereby appropriated for the Georgia State Orphan Home.

*Be it further enacted,* That the sum of two hundred and fifty dollars be appropriated to pay John B. Weems, for expenses and labor in copying and having printed the Freedman's Code, under a Resolution of the Senate.

*Be it further enacted,* That the sum of——dollars, or so much thereof as may be necessary is hereby appropriated

each to the Secretary of the Senate and the Clerk of the House of Representatives, to defray the contingent expenses of their respective offices at the present session of the General Assembly.

The amendments were agreed to.

On motion of Mr. Kenan the blanks in the last section of the amendments proposed was filled with the sum of seventy-five dollars.

Mr. Kenan offered the following as an additional section, which was agreed to, to-wit:

*Be it further enacted*, That the sum of fifty-seven dollars is hereby appropriated to each, John R. Roberts and Elam Johnson, for services as guard of the State Magazine at Milledgeville for fifty-two nights immediately preceding its destruction by the Federal army.

Mr. Redding moved further to amend by adding the following as an additional section, which was agreed to, to-wit:

*Be it further enacted*, That the sum of two thousand dollars be appropriated to the Principal Keeper of the Georgia Penitentiary, as his salary for the year 1866, the sum of twelve hundred to the assistant Keeper, the sum of twelve hundred dollars to the book keeper and salesman, the sum of twelve hundred dollars to the tanner, and the sum of eight hundred dollars to the overseer, as the salaries of these several officers for the year 1866, beginning January 1st, and that these several sums be the compensation per annum of these several officers until changed by law.

Mr. J. F. Johnson gave notice that he would move to reconsider the action of the Senate so far as related to the 25th section.

Mr. Butler gave notice that he would move to reconsider so much of the Journal as relates to the action of the Senate to the 17th section.

The report of the Committee as amended was agreed to, the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded, and are yeas 15, nays 9.

Those voting in the affirmative are Messrs:

Barwick, Bell, W. R., Butler, Carter, Casey, Crawford, Dickey, England, Johnson, J. F., Kenan, Manson, Redding, Russell, Smith, O. L., Strozier.

Those voting in the negative are Messrs:

Beall, O. P., Black, Ezzard, Johnson, J. A. W., Parris, Quillian, Strickland, Thornton, Turner.

So the bill was passed.

Mr. Moore, from the Committee of Conference appointed

to consider the disagreement between the Senate and House of Representatives relative to an amendment to a bill to be entitled an act to organize a County Court, define its jurisdiction, and for other purposes, made the following report:

*Mr. President:*—The Committee of Conference appointed to take into consideration the disagreement between the Senate and House of Representatives relative to the amendment of the House of Representatives striking out Chatham County from the 45th section of the bill to be entitled an act to organize a County Court, define its jurisdiction, and for other purposes, have discharged the duty required of them, and recommend that the Senate recede from its disagreement to the said amendment made by the House of Representatives.

B. B. MOORE,

Chm. Senate Com.

PHILLIP M. RUSSELL,

Chm. House Com.

On motion of Mr. Moore, the report was taken up and agreed to.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have passed the following bills of the Senate:

A bill to alter and amend sections 1338, 1339, 1340, 1341, 1343, 1351, 1353, chapter 4th, of the Code of Georgia.

A bill to repeal an act to alter and amend an act entitled an act to incorporate the town of Hawkinsville, in the County of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners; also to incorporate the town of Grooverville, in Brooks County, and for other purposes, and to revive the 12th section of the last above recited act.

They have passed the following bill of the Senate, with an amendment, in which they invite the concurrence of this branch of the General Assembly:

A bill to incorporate the Madison Petroleum Company of Georgia.

They have agreed to the report of the Committee of Conference on the following bill:

A bill to organize a County Court, define its jurisdiction, and for other purposes.

They have refused to concur in the Senate's amendment to the substitute of the House for the following bill of the Senate:

A bill to exonerate Sheriffs and their deputies and other collecting officers from liability in certain cases.

On motion the Senate adjourned until Monday morning at 9½ o'clock.

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MONDAY, MARCH 12TH., 1866.

The Senate met pursuant to adjournment and was opened with prayer by the Rev. Dr. Manson, of the Senate.

Mr. O. P. Beall moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the 27th section of the bill of the House of Representatives for the support of the Government for the political year 1866, &c., which motion was agreed to.

Mr. J. F. Johnson moved to reconsider so much of the Journal of Saturday as relates to the action of the Senate on the 26th section of the bill of the House of Representatives for the support of the government for the political year 1866, which was agreed to.

The Senate took up the reconsidered section of the foregoing bill in reference to the salary of the Clerk in the Secretary of State's office.

On motion the section was amended by striking out the words "eight hundred dollars" and inserting the words "twelve hundred dollars."

The Senate took up the reconsidered section of the same bill in reference to the compensation of parties for printing amnesty oaths.

Mr. O. P. Beall offered the following as a substitute, which was adopted in lieu of the original, to-wit :

*Be it further enacted*, That the Governor is hereby authorized to have audited all claims against the State for printing the amnesty oaths, under proclamation of the Provisional Governor, and if ascertained to be correct to pay the same out of the Printing Fund appropriated by this Act.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof :

*Mr. President* :—The House of Representatives have passed the following bill of the Senate :

A bill to establish a permanent Board of Education for the city of Savannah, and to incorporate the same, and for other purposes.

They have also passed the following bill of the Senate, with amendments thereto, in which they invite the concurrence of this branch of the General Assembly :

A bill to incorporate the Metcalf Manufacturing Company.

The Senate took up the message of the House of Representatives in relation to the bill of the Senate to exonerate Sheriffs, and their Deputies, and other collecting officers from liability in certain cases.

On motion the Senate insisted upon its amendment to the amendment of the House of Representatives.

The Senate took up the message of the House of Representatives in relation to the bill of the Senate to extend the corporate limits of the town of Thomasville, which the House of Representatives had passed by the following substitute, to-wit :

An Act to extend the corporate limits of the town of Thomasville, Georgia.

Sec. 1. *The General Assembly of Georgia do enact*, That the Act incorporating the town of Thomasville, in the county of Thomas, and the several Acts amendatory thereto, heretofore passed and assented to be so amended that the corporate limits of said town be and the same are hereby extended one mile in all directions from the Court House situated in said town.

*Provided*, The lands situated in said extended limits, except improved lots, the gardens, outbuildings, and appurtenances thereunto attached shall not be subject to be taxed by the authorities of said town.

Sec. 2. Repeals conflicting laws.

On motion the amendment was concurred in.

The Senate took up the message of the House of Representatives in relation to the bill of the Senate to incorporate the Madison Petroleum Company of Georgia, which the House of Representatives had passed, with the following amendment, to-wit :

*And be it further enacted*, That said corporation shall not begin operations until 10 per cent of the whole capital stock shall have actually been paid in.

On motion the amendment was concurred in.

Mr. Moore, Chairman of the committee on the Judiciary, made the following report:

*Mr. President* : The committee on the Judiciary to whom was referred a bill to be entitled an act to alter and amend the laws of this State in relation to apprentices have had the same under consideration and recommend it do pass.

B. B. MOORE, Chairman.

The Senate took up the message of the House of Representatives in relation to the bill of the Senate to incorporate the Metcalf Manufacturing Company which the House of Representatives had passed with an amendment striking out the 4th section.

On motion the amendment was concurred in.

On motion the rules were suspended, and the Senate took up the bill of the House of Representatives to incorporate the Alabama and Georgia Manufacturing Company.

The committee on Internal Improvements to whom the bill was referred reported adversely to its passage.

On motion the bill was re-referred to the committee on Internal Improvements.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to alter and amend the laws of this State in relation to apprentices.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to authorize the Ordinaries of this State to issue temporary letters of administration, and to require the party to whom issued only to give bond and security for double the value of the property other than real-estate, and for other purposes.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives for the relief of George Cox, of the county of Whitfield.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Quillian gave notice that he would move a reconsideration of the same on to-morrow.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have refused to concur in the amendments of the Senate to the following bill of the House of Representatives:

A bill to incorporate the Chattahoochee Manufacturing Company.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Dalton Medical College, and for other purposes therein mentioned.

The report of the committee was agreed to, the bill was read the third time and passed.

Mr. Smith, chairman of the Enrolling committee, reported, as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit:

An act to repeal an act entitled an act to allow the Ordinaries of this State to charge and receive certain fees, assented to December 14th, 1863, and to authorize them to charge and receive the following fees in addition to those specified in the Code.

Also, an act to amend an act entitled an act to incorporate the Georgia Citizens Insurance Company, assented to December 12th, 1859.

Also, an act to appoint new commissioners for the town of Hardwick to incorporate the same, and for other purposes.



Also, an act to incorporate the Franklin Mining & Manufacturing Company.

Also, an act to define the liability of Executors, Administrators, Guardians and Trustees, in certain cases, and regulate the settlement with the same.

Also, an act to extend the charter of the Roswell Manufacturing Company.

Also, an act to authorize His Excellency the Governor of this State to issue and negotiate the bonds of the State whereby to raise money for the payment of the public debt and interest thereon, and meet appropriations made and to be made by the General Assembly, and to provide a security for the same.

Also, an act to amend the 3988th section of the Code.

Also, an act for the relief of Dickinson Taliferro, Jr., of Whitfield county.

Also, an act to incorporate the Chestatee River & Long Branch Hydraulic Hose Mining Company.

Also, an act to legalize and make valid certain acts of Notaries Public in this State, and for other purposes.

Also, an act to incorporate a company for the purpose of laying down carriage railways in certain streets of the city of Savannah, for operating the same under a grant or ordinance of city council of said city, and for other purposes.

Also, an act to incorporate the American Insurance & Industrial Agency.

Also, an act to alter and amend the 1629th section of the Code, to strike out the 3rd provision of said section, and to add an additional provision thereto, and to repeal sections 1630th and 1631st of the Code.

Also, an act to incorporate the Augusta & Summerville Railroad Company.

Also, an act to authorize the Justices of the Inferior Courts of this State to purchase a farm for paupers, and for other purposes.

Also, an act to legalize the appointment of L. J. B. Fairchild, by the Justices of the Inferior Court of Chatham county as County Treasurer of said county.

Also, an act to appropriate any money in the Treasury of the county, or in the control of the Justices of the Inferior Court of Pickens, arising from the sale of cotton since the surrender of the armies of the Confederate States.

Also, an act to establish the Southern Bank of America.

Also, an act to alter and amend paragraph 4424th, part 4, title 1st of the Code of Georgia.

Also, an act to incorporate the Mechanics Savings Bank of Augusta.

Also, an act to incorporate the town of Stilesboro, in the

county of Bartow, to appoint commissioners for the same, and for other purposes.

Also, an act for the relief of John J. Owen and William Owen, of the county of Franklin.

Also, an act to incorporate the Southern Savings Bank & Commercial Agency.

Also, an act to incorporate the Gate City Foundry, Car Manufacturing & Machine Works, in the city of Atlanta, county of Fulton, and State of Georgia.

Also, an act to incorporate the Steam Cotton Mill Company.

Also, an act to incorporate the Little River Mining Company.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to regulate the manner of convicts laboring upon public works and define the powers and duties of the Inferior Court and Governor of the State touching the same, and for other purposes therein mentioned.

On motion the bill was referred to the committee on the Judiciary.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the City Loan Association & Savings Bank of Augusta.

The report of the committee was agreed to, the bill was read the third time, and a constitutional majority being necessary to pass the same the yeas and nays were required to be recorded, and are yeas 21, nays 4.

Those voting in the affirmative are Messrs :

Barwick, Beall, O. P., Black, Boynton, Butler, Casey, Dickey, Ezzard, Griffin, Johnson, J. A. W., Johnson, J. F., Kenan, Manson, Parris, Russell, Simmons, Smith, O. L., Strickland, Strozier, Thornton, Turner.

Those voting in the negative are Messrs :

Bedford, England, Gresham, Redding.

Yeas 21, nays 4.

So the bill was passed.

The Senate took up the resolution of the House relative to the purchase of copies of Wellborn's pamphlet of public laws, &c.

On motion the same was concurred in.

On motion of Mr. Redding the rules were suspended and the Senate took up the message of the House on the bill of the House to incorporate the Chattahoochee Manufacturing Company.

On motion the Senate receded from its amendments to the

The Senate took up the resolution of the House of Representatives in reference to appointing a committee to visit and report upon the Deaf & Dumb Asylum.

On motion the same was concurred in.

The following bill of the House of Representatives was read the second time, to-wit :

A bill to authorize the Ordinary of Newton county to issue letters of Administration to L. A. Whaley, a non-resident, on his giving bond and security.

The following bill of the House of Representatives was read the second time, and referred to the committee on the Judiciary, to-wit :

A bill to add an additional section to paragraph 3621, part 3rd, title 7th, of the Penal Code.

The following bills of the House of Representatives were read the second time and severally referred to the committee on Internal Improvements, to-wit :

A bill to prevent extortion by Express Companies, and to regulate the charges of the same.

A bill to incorporate the Georgia Land & Lumber Company.

On motion the Senate took a recess subject to the call of the President.

The Senate re-assembled in pursuance to the call of the President.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill of the Senate, with an amendment :

A bill to define the term "persons of color," and to declare the rights of such persons.

They have agreed to the following joint resolution from the Senate :

A resolution authorizing the Governor to appoint a committee to examine a Digest of the reports of the Supreme Court.

The Senate took up the message of the House in reference to the bill of the Senate to define the term persons of color, and to declare the rights of such persons, which the House of Representatives had passed with the following amendment, to-wit :

To insert after the word "evidence" in section 2nd, and 4th line, the words "as now prescribed by statute, assented to December 15th, 1865."

On motion the Senate disagreed to the amendment of the House.

Mr. Moore, from the Judiciary Committee, made the following report :

*Mr. President:* The Judiciary Committee to whom was referred certain bills have considered them, and direct me to report thereon as follows :

A bill to be entitled an act to add an additional section to paragraph 3621, part 3rd, title 7th, of the Penal Code, which they recommend do pass.

Also, a bill to be entitled an act to regulate the manner of convicts laboring upon public works and define the powers, and duties, of the Inferior Court and Governor of the State touching the same, and for other purposes therein mentioned, which they recommend do pass.

B. B. MOORE, Chairman.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to regulate the manner of convicts laboring upon public works and define the powers and duties of the Inferior Court and Governor of the State touching the same, and for other purposes.

The Committee on the Judiciary to whom this bill was referred reported in favor of its passage.

The report was agreed to, the bill was read the third time and passed.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to incorporate the American Industrial Insurance Company.

An act to incorporate the Trenton and Lookout Mining Manufacturing & Petroleum Company.

An act to exempt from levy and sale certain property of every debtor in this State, and for other purposes.

An act to repeal the 2635th section of the Code, and to substitute another in lieu thereof.

An act to repeal section 285, excepting the fifth clause thereof, and also to repeal the first, second and third clauses of section 287, of the first article, fifth title, fourth chapter of the Code of Georgia.

An act to incorporate the Citizens Insurance Company, of Atlanta.

An act to organize and establish an Orphans Home in this State.

An act to define and regulate Court contracts, and prescribe the manner of enforcing the same in the County courts.

1341, 1342, 1343, 1351, 1353, chapter 4th of the Code of Georgia.

An act to repeal an act entitled an act to alter and amend an act entitled an act to incorporate the town of Hawkinsville, in the county of Pulaski, to appoint commissioners for the same, and to confer certain powers upon said commissioners; also, to incorporate the town of Grooverville, in Brooks county, and for other purposes, and to revive the 12th section of said last above recited act.

An act to organize a County Court, define its jurisdiction, and for other purposes.

On motion the rules were suspended, and Mr. Thornton reported the following resolution:

*The General Assembly of the State of Georgia do Resolve,*

1st. That in Andrew Johnson, President of the United States, we recognize a statesman, whose wisdom and patriotism, lifting him above the strifes of faction, render it impossible for him to be identified with, or appropriated by any party but that which, without regard to former party divisions, shall be composed of men who devote themselves honestly and earnestly to the maintainance of the Union upon the principles of the Constitution.

2nd. That the only hope for the preservation of the government on this Continent lies in the maintainance of the Union upon the principles of the Constitution, and as all rational basis of sectional parties has passed away with the extinction of slavery, we pledge ourselves irrespective of all former party designations, and of the passions inspired by the recent lamentable war to co-operate cordially and earnestly with all men of all sections, who will lay down party considerations upon the altar of a common country, and rally to the support of the President in a noble, courageous and patriotic determination, that by the exercise of Wisdom, Justice, Moderation and magnanimity the Union, upon the principles of the Constitution, shall be established and enshrined anew in the hearts of the people.

3rd. That His Excellency, the Governor, be requested to forward a certified copy of these resolutions to the President of the United States.

On motion the rules were suspended, and the resolutions were taken up, read and agreed to.

On motion the Senate adjourned until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

The Senate met pursuant to adjournment.

Mr. Strozier, from the committee on Internal Improve-

ments, to whom was referred a bill to prevent extortion by Express Companies, and regulate the charges thereof, reported in favor of the passage of the same by striking out all after the first section.

They have also had under consideration the bill to incorporate the Alabama & Georgia Manufacturing Company, and recommend the passage of the same, with the addition of the following amendment, to-wit: first, by striking out the place of business in the second section; and second, by striking out the words "across" in the 6th section, and inserting the words "half way."

They also have had under consideration the bill to incorporate the Georgia Land & Lumber Company, and recommend that the same do pass.

The Senate took up the report of the committee of the whole on the bill of the House of Representatives to incorporate the Alabama & Georgia Manufacturing Company.

The committee on Internal Improvements to whom this bill was referred propose to amend the same by striking out the place of business, and also to strike out the word "across" in the 6th section, and insert the words "half way," and with these amendments they recommend that the same be passed.

On motion the amendments were agreed to.

Mr. Gresham moved to strike out the words "one million of dollars" and insert the words "two hundred thousand dollars," which motion was lost.

The report of the committee as amended, was agreed to, the bill was read the third time and passed.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary, to-wit:

*Mr. President:*—I am directed by the Governor to deliver to the Senate a communication in writing.

The message was taken up and read, as follows:

EXECUTIVE DEPARTMENT, }  
MILLEDGEVILLE, 12TH MARCH, 1866. }

*To the General Assembly:*

No bill having yet been reported to me relative to the civil status of the Freedmen, and the session being near its close, I again respectfully urge that the General Assembly do not adjourn without distinct action on this subject. We here are all agreed that free persons of color are not to be admitted to the ballot box, or the jury box. But it is essential to our restoration that their capacity to contract, to sue and be sued, to hold property, to testify in the Courts should be made full and complete, that in these respects

are to get rid of military rule—and of the Freedman's Bureau—if we are to have the laws administered by our own Courts, I am satisfied, by information in my possession, that these things must be done.

CHARLES J. JENKINS,

Governor.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have concurred in the 1st., 5th., 6th., 7th., 9th., 10th., 11th., 12th., 15th 20th and 21st amendments of the Senate to a bill of the House to provide for raising a revenue for the political year 1866, and to appropriate money for the support of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

They have concurred in the 14th and 23rd amendments of the Senate to said bill, with amendments thereto, in which they invite the concurrence of the Senate

They have refused to concur in the 2nd, 3rd, 4th, 8th, 13th, 16th, 17th, 18th, 19th and 22nd amendments to the same.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have agreed to a joint resolution relative to Railroads in this State, in which they invite the concurrence of the Senate.

The House recedes from its amendment to the following bill of the Senate:

A bill to define the term "persons of color" and to declare the rights of such persons.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have passed the following bill of the Senate:

A bill to alter and amend the Penal Code of Georgia.

They have concurred in the amendments of the Senate to the following bill of the House of Representatives:

A bill to incorporate the Alabama & Georgia Manufacturing Company.

The House insists upon its disagreement to the amendment of the Senate to the House amendment to the following bill of the Senate:

A bill to exonerate Sheriffs, and their Deputies, and other collecting officers from liability in certain cases.

The Senate took up the message of the House in reference to the bill of the Senate to exonerate Sheriffs, and

their Deputies, and other collecting officers from liability in certain cases.

On motion the Senate adhered to its amendment, and asked for a committee of conference.

The committee on the part of the Senate consists of Messrs. Bower, Moore and Thornton.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signatures of the President of the Senate, and Speaker of the House of Representatives the following acts and resolutions; to-wit:

An act to amend the several acts incorporating the city of Macon, to enlarge the powers of the Mayor and Council thereof, and to extend the limits of the city.

An act to extend the corporate limits of the town of Thomasville, Georgia.

An act to incorporate the Madison Petroleum Company, of Georgia.

An act to establish a permanent Board of Education for the city of Savannah, and to incorporate the same, and for other purposes.

A resolution authorizing the Governor to appoint a committee to examine a Digest of Reports of the Supreme Court.

A joint resolution authorizing His Excellency, the Governor, to appoint commissioners to examine and report upon the propriety of removing the Penitentiary, or of building an additional one, and reporting all the facts and information to the next meeting of this General Assembly.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives have rejected the following bills of the Senate:

A bill to alter and amend chapter fourth, article first, part second, title second, of the Code of Georgia, in relation to indented servants and apprentices.

A bill to make valid private contracts entered into and executed during the war against the United States, and to authorize the Courts of this State to adjust the equities between parties to contracts made, but not executed, and to authorize settlements of such contracts by persons acting in a fiduciary character.

The House refuses to concur in the amendment of the Senate to the following bill of the House of Representatives:

A bill to make it penal for any officer, agent or other employee of any Railroad Company in this State to charge for transporting freights or passengers above the rates allow-



The Senate took up the message of the House on the bill of the House to make it penal for any officer, agent or other employee of any Railroad company in this State to charge for transporting freight or passengers above rates allowed by their several charters.

On motion the Senate insisted upon its amendment to the same.

The Senate took up the message of the House in reference to the bill of the House of Representatives for the support of the government for the political year 1866.

On motion the Senate insisted upon its amendments to the 11th and 25th sections, also to the additional section in reference to John Roberts and Elam Johnson.

On motion the Senate receded from its amendments to the 3rd, 26th and 35th sections.

The Senate also refused to concur in the amendments of the House of Representatives to the amendment of the Senate in reference to the salaries of certain officers of the Penitentiary.

The Senate took up the resolution of the House of Representatives allowing the Clerk of the House of Representatives and Secretary of the Senate ten days to bring up the unfinished business of the respective Houses, and make out an index for the Journals.

On motion the resolution was concurred in.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. Speaker* :—The House of Representatives having adhered to their disagreement to the Senate's amendment to the amendment of the House to a bill of the Senate to exonerate Sheriffs and their deputies and other collecting officers from liability in certain cases, unite with the Senate in the appointment of a Committee of Conference, and have on their part appointed Messrs. DuBose, J. J. Jones, Russell, of Muscogee, Willis, and Kibbee.

Mr. Moore, from the Committee of Conference, to whom was referred a bill to be entitled an act for the relief of Sheriffs, Deputy Sheriffs, &c., beg leave to report as follows:

That the Senate recede from its amendment so far as to strike out 1864, and that the House recede from its amendment to the proviso in the substitute of the House to the Senate bill, and retain the original proviso in said substitute for the Senate bill, and thus amended they recommend that the bill do pass.

B. B. MOORE,

Chm. Senate Com.

C. W. DuBOSE,

Chm. House Com.

On motion the report was taken up and agreed to.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*—The House of Representatives have agreed to the following joint Resolutions, in which they invite the concurrence of the Senate:

A Resolution to allow the Secretary of the Senate and Clerk of the House ten days to bring up unfinished business.

A Resolution requiring the Superintendent of the Lunatic Asylum simply to supervise the accounts as made out by his Steward.

A Resolution authorizing the Governor to have a test made of the matters of difference between the State of Georgia and the United States touching the W & A. R. R.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House insists on its disagreement to the amendment of the Senate to the following bill of the House:

A bill to make it penal for any officer, agent, or other employee of any Rail Road Company in this State to charge for transporting freight or passengers above the rates allowed by their several Charters.

The Senate took up the message of the House of Representatives in reference to the bill to make it penal for any officer, agent, or other employee of any Rail Road Company in this State to charge for transporting freight or passengers above rates allowed by their several charters.

On motion the Senate adhered to its amendment, and asked for a Committee of Conference.

The Committee on the part of the Senate consists of Messrs. Gresham, Strozier, and Parris.

Leave of absence was granted to the Senator from the 33rd District after 10 o'clock to-morrow for the balance of the session.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have concurred in a Resolution of the Senate in relation to his Excellency the President of the United States.

The Senate took up the Resolution of the House of Representatives relative to requiring the Superintendent of the Lunatic Asylum to supervise the accounts made out by his Steward.

On motion the Resolution was concurred in.

izing the Governor to have a test made of the matters of difference between the State of Georgia and the United States touching the W. & A. Rail Road.

On motion the Resolution was concurred in.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House insists upon its disagreement to the amendments of the Senate to sections 16, 25, 32, 37, of the appropriation bill, and recedes as to other matters of difference.

The House invites the appointment of a Committee of Conference, and have appointed on their part Messrs. McWhorter of Greene, Ridley, McComb, Starr, and Adams.

On motion the Senate took up the message of the House asking for a Committee of Conference in reference to the disagreement of the two Houses as to the amendments of the Senate to the bill to appropriate money for the support of Government for the political year 1866.

The Committee appointed on the part of the Senate consists of Messrs. Redding, Butler, and J. F. Johnson.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled, signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, &c., to-wit:

An act to enable the Judges of the Inferior Courts of this State to fill vacancies by the appointment of Justices in certain cases.

Also, an act requiring cost to be paid in advance in certain cases.

Also, a Resolution appointing a joint sub-committee to visit and report upon the Deaf and Dumb Asylum at Cave Springs, Floyd County, Georgia.

Also, an act to authorize the Ordinaries of this State to issue temporary letters of administration, and to require the party to whom issued only to give bond and security for double the value of the property other than real estate, and for other purposes.

Also, a Resolution authorizing and requesting the Governor to purchase copies of Wellborn's Pamphlet of Public Laws, &c., of the present session, for certain County officers, and to pay for the same.

Also, an act to incorporate the City Loan Association & Savings Bank of Augusta.

Also, an act to incorporate the Dalton Medical College, and for other purposes therein mentioned.

Also, an act to regulate the manner of convicts laboring upon public works, and define the powers and duties of the Inferior Court and Governor of the State touching the same, and for other purposes therein mentioned.

Also, an act to alter and amend the laws of this State in relation to apprentices.

Also, an act to incorporate the Chattahoochee Manufacturing Company.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:*—The House of Representatives have adopted the report of the Committee of Conference upon the Senate bill for the relief of Sheriffs, Deputy Sheriffs, &c.

The following message was received from his Excellency the Governor, by Mr. Hunter, his Secretary, to-wit:

*Mr. President:*—The Governor has approved and signed the following acts. to-wit:

An act to amend the one thousand three hundred and fiftieth section of the Code of Georgia.

An act to incorporate the Columbus Rail Road Company, and for other purposes.

An act to prescribe and regulate the relation of husband and wife between persons of color.

An act to add an additional clause to the 2531st section of the Code.

An act to prescribe and regulate the relation of parent and child among persons of color in this State, and for other purposes.

An act to amend an act entitled an act to incorporate the Oglethorpe Insurance Company of Savannah, assented to November 24th, 1863, and for other purposes.

An act to amend the 4792nd and 4793rd sections of the Code of Georgia, and for other purposes.

An act accepting for the State of Georgia, the donation by the United States of certain lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and Mechanic Arts, by acts of Congress, approved severally July 2nd, 1862, and April 14th, 1864, and for other purposes therein connected.

An act to amend an act entitled an act to authorize married women to deposit money in Savings Banks, or Institutions now chartered, or which may hereafter be chartered by this State, and for other purposes therein mentioned, assented to December 16th, 1861.

Also, a Resolution to authorize a certain person to cast the vote of the State in elections held by the Atlantic & Gulf Rail Road Company.

A Resolution authorizing the Comptroller General to audit certain claims for printing and publishing.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President* :—The House of Representatives having adhered to their disagreement of the Senate's amendment to the House bill to make it penal for any officer, &c., of any Rail Road Company in this State to charge above the rates allowed by their Charters, unite with the Senate in the appointment of a Committee of Conference, and have, on their part, appointed Messrs. Hill, Barnes, Frost, Mitchell of Thomas, and Edge, and have agreed to the report of the Committee of Conference on the appropriation bill.

*Mr. Redding*, from the Committee of Conference appointed to consider the differences between the Senate and House of Representatives upon the amendments of the Senate to the bill of the House of Representatives for raising a revenue for the political year 1866, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein mentioned, have had the same under consideration, and beg leave to make the following report :

That the Senate do recede from their amendment to the 16th section, and to their amendment striking out the 25th section, and also to their amendment striking out the 32nd section, and their amendment appropriating ten thousand dollars for the Georgia State Orphan Home.

On agreeing to their report the yeas and nays were required to be recorded, and are yeas 12, nays 10.

Those voting in the affirmative are Messrs :

Barwick, Bell, W. R., Butler, Crawford, England, Johnson, J. F., Manson, Quillian, Redding, Russell, Smith, O. L., Strickland.

Those voting in the negative are Messrs :

Beall, O. P., Black, Carter, Casey, Ezzard, Griffin, Johnson, J. A. W., Kenan, Moore, Thornton.

So the report of the Committee of Conference was agreed to.

*Mr. Moore* gave notice that he would move to reconsider the action of the Senate on the report of the Committee, on to-morrow morning.

On motion the Senate adjourned until 8½ o'clock to-morrow.

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TUESDAY, MARCH 13TH, 1866.

The Senate met pursuant to adjournment, and was opened with prayer.

*Mr. Quillian* moved to reconsider so much of the Journal of yesterday as relates to the action of the Senate on the

bill of the House of Representatives, for the relief of George Cox, of the county of Whitfield, which was agreed to.

Mr. O. P. Beall moved to reconsider so much of the Journal of yesterday, as relates to the action of the Senate on the report of the committee of conference, in relation to certain sections of the bill of the House of Representatives, to appropriate money for the support of the Government, for the political year 1866, and for other purposes, whereupon the yeas and nays were required to be recorded, and are yeas 9, nays 20.

Those voting in the affirmative are Messrs.

Bedford, Black, Casey, Dickey, Johnson, J. A. W., Moore, Strozier.

Those voting in the negative are Messrs.

Barwick, Bell, W. R., Bower, Boynton, Butler, Carter, England, Ezzard, Griffin, Gresham, Johnson, J. F., Kenan, Manson, Parris, Quillian, Redding, Russell, Simmons, Smith, O. L., Strickland.

Yeas 7, Nays 20 ; So the motion to reconsider did not prevail.

Mr. O. L. Smith from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to incorporate the Metcalf Manufacturing Company.

An act to define the term "persons of color", and to declare the rights of such persons."

An act to alter and amend the Penal Code of Georgia.

An act for the relief of Sheriffs, Deputy Sheriffs, Attorneys-at-law, and other collecting officers, in certain cases therein mentioned.

Resolution in relation to His Excellency the President of the United States.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to prevent extortion by Express Companies, and to regulate the charges of the same.

On motion the same was postponed indefinitely.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to incorporate the Georgia Land and Lumber company.

The committee on Internal Improvements to whom this bill was referred, reported in favor of its passage.

Mr. Strozier moved to postpone the same indefinitely, whereupon the yeas and nays were required to be recorded, and are yeas 8, nays 16.

Those voting in the affirmative are Messrs.

Barwick, Bedford, Dickey, Griffin, Moore, Simmons, Strickland, Strozier.

Those voting in the negative are Messrs.

Black, Bower, Boynton, Carter, Casey, England, Ezzard, Johnson, J. A. W., Johnson, J. F., Kenan, Manson, Parris, Quillian, Redding, Russell, Smith, O. L.

Yeas 8, Nays 16; So the motion was lost.

The report of the committee was agreed to, the bill was read the third time, and upon the question "shall this bill now pass?" the yeas and nays were required to be recorded and are yeas 18, nays 9.

Those voting in the affirmative are Messrs.

Black, Bower, Boynton, Carter, Casey, Crawford, England, Gresham, Johnson, J. A. W., Johnson, J. F., Kenan, Manson, Parris, Quillian, Redding, Russell, Smith, O. L., Thornton.

Those voting in the negative are Messrs.

Barwick, Bedford, Dickey, Ezzard, Griffin, Moore, Simmons, Strickland, Strozier.

Yeas 18, Nays 9; So the bill was passed.

The following Message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President*:—The House of Representatives have agreed to the report of the committee of conference on the following bill of the House:

A bill to make it penal for any officer, agent or other employee, of any Rail Road Company in this State, to charge for transporting freights or passengers, above the rates allowed by their several charters.

The House has also passed, by a constitutional majority, the following bill of the Senate:

A bill to incorporate the Savings Bank of Augusta.

Mr. Gresham from the committee of conference on the bill to be entitled an act to make it penal for any officer, agent or other employee of any Rail Road company in this State, to charge for transporting freights or passengers above the rates allowed by their charters, have had the same under consideration, and have agreed upon the following report:

That the words, "or established by the Superintendent or other officer, or officers, of the said Rail Road", be in-

serted after the word charter in the eighth line of the first section.

JOHN J. GRESHAM,  
Chairman Senate Committee.  
THOS. W. J. HILL,  
Chairman House Committee.

On motion the report was taken up and agreed to.

The following message was received from the House of Representatives, through Mr. Waddell, the Clerk thereof:

*Mr. President* : The House of Representatives have passed, by a constitutional majority, the following bill of the Senate, with an amendment thereto :

A bill to incorporate the Planters Loan and Banking Association.

The Senate took up the message of the House on the bill of the Senate, to incorporate the Planters Loan and Banking Association, which the House of Representatives had passed, with the following amendment to the 3rd section, to-wit :

By striking out the following words : " ten per cent".

On motion the amendment was concurred in.

Leave of absence was granted to the Senator from the 28th District, after 10 o'clock this day, for the balance of the session.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to add an additional section to paragraph 3621, part 3d, title 7th, of the Penal Code.

The committee on the Judiciary to whom this bill was referred, reported in favor of its passage.

The report of the committee was agreed to, the bill was read the third time and passed.

The Senate took up the report of the committee of the whole, on the bill of the House of Representatives, to authorize the Ordinary of Newton county to issue letters of Administration to L. A. W. Whatley, a non-resident, on his giving bond and security.

The report of the committee was agreed to, the bill was read the third time and passed.

The following Message was received from His Excellency the Governor, by Mr. Hunter, his Secretary, to-wit :

*Mr. President* :—I am directed by the Governor to return to the Senate, in which it originated, a bill to be entitled an act to allow the redemption of real estate, sold under execution, within a specified time.



Also, a bill to be entitled an act to exempt from levy and sale certain property of every debtor in this State, and for other purposes, with a communication in writing.

On motion, the message was taken up and read as follows :

EXECUTIVE DEPARTMENT, }  
Milledgeville, 13th March, 1866. }

*To the Senate :*

I regret the necessity of interposing my dissent to another Act of the General Assembly, which originated in your body, and which I herewith return.

It was entitled an act to allow the redemption of real estate sold under execution, within a specified time.

The 1st section provides that the purchaser of the property thus sold shall be held and taken as the trustee of the defendant in execution for the space of two years after the sale.

The 2nd section reserves to the defendant the right to redeem the property at any time within two years, by paying the purchase money with interest at the rate of ten per centum per annum.

The 4th section allows any creditor of the defendant to raise the bid of the purchaser and take all the right acquired by him within sixty days after the public sale, if not previously redeemed, unless the purchaser will pay an additional sum equal to the difference between his bid, at the sale, and the subsequent bid of a creditor; and this operation may be repeated any number of times within the sixty days.

The 5th section reserves to the defendant the right of occupying during the two years allowed for redemption, without paying any consideration therefor, to any person whomsoever.

Should he redeem at the end of two years, he pays interest on the money. But failing to redeem, he pays nothing as interest, nothing for use and occupation of the premises.

That it is in the power of the General Assembly to pass such an act, entirely prospective in its operation, I do not question, however fatal the legislation might be to the credit of men having moderate possessions. But this act is not so limited in its operation. By its very terms it will apply "whenever any real estate shall *hereafter* be sold in this State under *any* execution, order, or decree of any Court," &c.

This clearly includes sales under judgments rendered before the passage of the act. It modifies the lien of such judgments after it was attached to the property, and is to that extent retroactive. By section 3499 of the revised Code, judg-

ments "bind all the property of the defendant, both real and personal, from the date of such judgments." The universal acceptation of this clause is, that judgments bind not only every article of the defendant's property, but his entire interest in each article. This is the lien, nothing less. A sale under it totally extinguishes the defendant's title, as much so as the most absolute sale he could make in the absence of any judgment.

The manifest effect of the Act under consideration is to prevent the sale under such a judgment, of the defendant's entire interest in real estate. This it does in several particulars:

1st, It reserves to him the right of redemption for two years, thus carving out of it an equitable interest.

2nd, It reserves to him the right of occupancy against all the world, for two years, rent free, thus carving out of entire interest, a legal estate for years.

3rd, It keeps the Sheriff's sales open for sixty days, after the bidding has commenced, during all of which time he may receive bids.

It surely needs no argument to prove that property exposed to sale under such incumbrances would yield a much lower price than if sold free from them. Hence the conclusion is, that the Act imposing these incumbrances upon a sale under a judgment, affects injuriously the prior lien, of that judgment, and of course affects injuriously the right of the plaintiff in execution, in whom that lien had vested before the passage of the Act. This is retroactive legislation.

If it be asked why the Legislature may not do this in the plenitude of their discretion, the answer is brief and simple. The 14th clause of the 1st article of the Constitution, contains these emphatic words "*retroactive legislation injuriously affecting the right of the citizen is prohibited.*" This does not mean laws punishing acts previously committed. Such are called "*ex post facto*" laws, and are also prohibited in the same clause; but the object in extending the prohibition to "*retroactive legislation,*" was to protect private rights already vested.

I also return without approval, because repugnant to the same clause of the Constitution of the State of Georgia, a bill to be entitled "an act to exempt from levy and sale certain certain property of every debtor in this State, and for other purposes." This act, like the other, affects injuriously to plaintiffs in execution, the lien of judgments obtained, before its passage upon the exempted property. These liens are vested rights as already explained. To the extent of such judgments and their liens it is retroactive, and therefore it is within the prohibition of clause 14 of the 1st article of the Constitution.

The difference between the two acts is only this, the first

herein mentioned divests the lien of judgments previously obtained upon a partial interest in all the property of the debtor; the second divests it entirely as to a portion of his property. Taking the two in connection, it is easy enough to perceive how greatly and how injuriously the rights of the judgment creditor are affected by this legislation. If the prohibition quoted from the Constitution does not apply to, and prevent such legislation, I greatly fear it will be a dead letter.

CHARLES J. JENKINS,  
Governor.

The Senate took up the message of the Governor in reference to the bill of the Senate to allow the redemption of real estate sold under execution within a specified time.

The bill being placed on its passage over the veto of his Excellency the Governor, the yeas and nays were required to be recorded, and are yeas 19, nays 9.

Those voting in the affirmative are Messrs:

Barwick, Bedford, Beall, O. P., Carter, Casey, Ezzard, Gibson, Griffin, Gresham, Johnson, J. A. W., Johnson, J. F., Manson, Moore, Parris, Quillian, Russell, Smith, O. L., Strickland, Strozier.

Those voting in the negative are Messrs:

Black, Bower, Boynton, Crawford, Dickey, England, Kenan, Redding, Simmons.

So the bill was passed by a constitutional majority over the veto of his Excellency the Governor.

The Senate took up the message of the Governor in reference to the bill of the Senate to exempt from levy and sale certain property of every debtor in this State, and for other purposes.

The bill being placed on its passage over the veto of his Excellency the Governor, the yeas and nays were required to be recorded, and are yeas 16, nays 13.

Those voting in the affirmative are Messrs:

Barwick, Bedford, Beall, O. P., Black, Bower, Carter, Casey, Dickey, Ezzard, Griffin, Johnson, J. F., Manson, Moore, Smith, O. L., Strickland, Strozier.

Those voting in the negative are Messrs.

Boynton, Crawford, England, Gresham, Johnson, J. A. W., Kenan, Parris, Quillian, Redding, Russell, Simmons, Thornton, Turner.

So the bill not having received a constitutional majority, was lost.

The Senate took up the reconsidered bill of the House of Representatives for the relief of George Cox, of the County of Whitfield.

On motion the bill was laid on the table for the balance of the session.

Mr. Thornton reported the following Resolution :

*Resolved*, That the thanks of the Senate are hereby tendered to the Hon. Wm. Gibson, for his dignified and courteous manner toward this body, and for the prompt and faithful discharge of the arduous duties devolving on him as President of the Senate.

On motion the rules were suspended, the Resolution was taken up, read and agreed to.

Mr. Ezzard offered the following Resolution :

*Resolved*, That the Senate also highly appreciate the services of our able and experienced President *pro tem.*, Hon. B. B. Moore.

The Resolution was agreed to.

Mr. Redding reported the following Resolution :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to the Secretary of the Senate, John B. Weems, Esq., and F. T. Snead, Esq., assistant Secretary, for their faithful and efficient discharge of their duties, and polite attention to each member of the Senate.

On motion the rules were suspended, and the Resolution was taken up, read and agreed to.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof :

*Mr. President* :—The House of Representatives have agreed to a Resolution for the appointment of a Committee of five from the House and three from the Senate, to wait upon his Excellency the Governor and inform him that both branches of the General Assembly having disposed of the business before them, are ready to adjourn *sine die*, and to ascertain from him whether he has any communication to make to either branch of the General Assembly.

The Committee on the part of the House are Messrs. Pottle, McWhorter, of Greene, Sims of Bartow, Shaw, and Woods, of Morgan.

The Senate took up the resolution of the House of Representatives in reference to appointing a joint committee to wait upon His Excellency the Governor and inform him that both branches of the General Assembly were ready to adjourn *sine die*, and to enquire if he had any further communications to make.

On motion the resolution was concurred in.

The committee appointed on the part of the Senate under the above resolution consists of Messrs. Moore, Gresham and Thornton.

The following resolution was reported by Mr. Redding :

*Resolved*, That this Senate do most heartily approbate the conduct of the Messenger and Door Keeper, and cheerfully bear testimony to their efficiency in their offices.

On motion the resolution was taken up, and agreed to.

Mr. Butler, from the committee on Journals, submitted the following report :

The committee on Journals have carefully examined the same, and find them neatly and carefully kept, and beg leave to report the following resolution :

*Resolved*, That the thanks of the Senate be tendered to Thomas D. Wright, Journalizing Clerk, for the faithful manner in which he has discharged the duties of his office.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

Mr. O. L. Smith reported the following resolution :

*Resolved*, That Messrs. A. E. Marshall, H. K. Washburn, T. F. Wells and E. A. Nesbit, of the Enrolling department, and Thompson Allen, B. R. Freeman and W. T. McArthur, of the Engrossing department having faithfully and efficiently discharged their duties as Clerks, deserve the thanks of the Senate, which are hereby cordially tendered them.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

Mr. J. F. Johnson reported the following resolution :

*Resolved*, That a committee of two Senators be appointed to bring up the unfinished business of the Senate, and that three days be allowed them for that purpose.

On motion the rules were suspended, and the resolution was taken up, read and agreed to.

The committee appointed under the above resolution consists of Messrs. Kenan and Simmons.

Mr. O. L. Smith, from the committee on Enrollment, reported as duly enrolled and ready for the signature of the President of the Senate and Speaker of the House of Representatives, the following acts, to-wit :

An act to incorporate the Savings Bank of Augusta.

An act to incorporate the Planter's Loan & Banking Association.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof :

*Mr. President*: The House of Representatives, upon a reconsideration, have refused to pass over the veto of His Excellency, the Governor, the following bill of the Senate

A bill to allow the redemption of real estate sold under execution within a specified time.

Mr. Redding moved to reconsider so much of the Journal of to-day as relates to the action of the Senate upon the message of His Excellency, the Governor, in relation to the bill to exempt from levy and sale certain property of every debtor in this State, and for other purposes, which was agreed to.

The message was taken up, and upon the passage of the bill, the yeas and nays were required to be recorded, and are yeas 18, nays 8.

Those who voted in the affirmative are Messrs :

Barwick, Bedford, Beall, O. P., Black, Bower, Casey, Dickey, Ezzard, Griffin, Johnson, J. F., Manson, Moore, Parris, Simmons, Smith, O. L., Strickland, Strozier, Thornton.

Those who voted in the negative are Messrs :

Boynton, England, Gresham, Johnson, J. A. W., Kenan, Quillian, Redding, Russell.

Yeas 18, nays 8.

So the bill was passed by a constitutional majority over the veto of His Excellency, the Governor.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* The House of Representatives, upon a reconsideration, have refused to pass by a constitutional majority over the veto of the Governor, the following bill of the Senate :

A bill to exempt from levy and sale certain property of every debtor in this State, and for other purposes.

Mr. Smith, Chairman of the Enrolling Committee, reported as duly enrolled and signed by the Speaker of the House of Representatives, and attested by the Clerk thereof, the following acts, to-wit :

A resolution requiring the Superintendent of the Asylum simply to supervise the accounts as made out by his Steward.

Also, a resolution to allow the Secretary of the Senate and Clerk of the House ten days to bring up unfinished business.

Also, a resolution authorizing the Governor to have a test made of the matter of differences between the State of Georgia and the United States touching the Western & Atlantic Railroad.

Also, an act to incorporate the Alabama & Georgie Manufacturing Company.

Also, an act to make it penal for any officer, agent or other employee of any Railroad company in this State to charge for freights or passengers transported over said railroad above the rates now allowed by their several charters.

Also, an act to incorporate the Georgia Land & Lumber Company.

Also, an act for raising a revenue for the political year eighteen hundred and sixty-six, and to appropriate money for the support of the government during said year, and to make certain special appropriations, and for other purposes therein mentioned.

Also, an act to add an additional section to paragraph 3621, part 3rd, title 7th, of the Penal Code.

Also, a resolution appointing a joint committee to inform His Excellency, the Governor, that both branches are now ready to adjourn *sine die*.

Also, an act to authorize the Ordinary of Newton county to issue letters of administration to L. A. Whalley, a non-resident, on his giving bond and security.

The following message was received from the House of Representatives through Mr. Waddell, the Clerk thereof:

*Mr. President:* I am directed by the House of Representatives to inform the Senate that they have completed their business of the present session of the General Assembly of the State of Georgia, and are ready to adjourn *sine die*.

Mr. Moore, from the joint committee to wait on His Excellency, made the following report:

*Mr. President:* The joint committee appointed to wait on His Excellency, the Governor, to inform him that both branches of the General Assembly, having disposed of the business of the session, were ready to adjourn *sine die*, and to ascertain of him whether he had any communication to make to either branch thereof have discharged the duty assigned them, and report that His Excellency has no further communication to make to either branch of the General Assembly, save the tender of his kindest regards to the members, and his best wishes for their safe return to their homes, and for their health and happiness.

On motion the Secretary was instructed to inform the House of Representatives that the Senate was now ready to adjourn *sine die*.

On motion of Mr. O. P. Beall the Senate adjourned *sine die*.





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